

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

1	MARC VEASEY, JANE HAMILTON,)	
2	SERGIO DELEON, FLOYD J. CARRIER,)	
3	ANNA BURNS, MICHAEL MONTEZ,)	
4	PENNY POPE, OSCAR ORTIZ, KOBY)	
5	OZIAS, JOHN MELLOR-CRUMMEY,)	
6	JANE DOE, JOHN DOE, LEAGUE OF)	CIVIL ACTION NO.
7	UNITED LATIN AMERICAN CITIZENS)	2:13-CV-193 (NGR)
8	(LULAC), AND DALLAS COUNTY,)	(lead case)
9	TEXAS)	
10)	
11	VS.)	
12)	
13	RICK PERRY, Governor of Texas,)	
14	and JOHN STEEN, Texas Secretary)	
15	of State,)	
16	_____)	
17	UNITED STATES OF AMERICA,)	
18)	
19	V.)	
20)	
21	STATE OF TEXAS, JOHN STEEN, in)	CIVIL ACTION NO.
22	his official capacity as Texas)	2:13-CV-263 (NGR)
23	Secretary of State, and STEVE)	(consolidated case)
24	MCCRAW, in his official capacity))	
25	as Director of the Texas)	
26	Department of Public Safety,)	
27	_____)	
28	TEXAS STATE CONFERENCE OF NACCP)	
29	BRANCHES, AND THE MEXICAN)	
30	AMERICAN LEGISLATIVE CAUCUS OF)	
31	THE TEXAS HOUSE OF)	
32	REPRESENTATIVES,)	
33)	
34	V.)	CIVIL ACTION NO.
35)	2:13-CV-291 (NGR)
36	JOHN STEEN, in his official)	(consolidated case)
37	capacity as Texas Secretary of)	
38	State, and STEVE MCCRAW, in his)	
39	official capacity as Director of))	
40	the Texas Department of Public)	
41	Safety)	

ORAL DEPOSITION OF

STAN STANART

JUNE 17, 2014

ORAL DEPOSITION of STAN STANART, produced as a witness at the instance of the Plaintiffs, was taken in the above-styled and numbered cause on JUNE 17, 2014, from 10:01 a.m. to 1:46 p.m., before Cynthia C. Miller, CSR in and for the State of Texas, reported by machine shorthand, at the Office of Vince Ryan, County Attorney, 1019 Congress, 15th Floor, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the following stipulation and waiver of counsel:

IT WAS STIPULATED AND AGREED by and between counsel that if the original of said deposition is not signed or available at the time of trial or any hearing, an unsigned copy may be used in lieu thereof.

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1 process as we go, please feel free to ask them.

2 It's important you let me finish my
3 question before you answer, because the court reporter
4 can't take down both of us at the same time.

5 And if you shake your head or make a
6 noise as an answer, I may ask, "Is that a 'yes' or
7 'no,'" that's really just because I'm trying to keep our
8 record straight. Fair enough?

9 A. That's fine. My neck doesn't move, it's
10 stuck, so I won't do that.

11 Q. You and I have met before --

12 A. Yes.

13 Q. -- in the redistricting case in San Antonio;
14 is that right?

15 A. Correct.

16 Q. In fact, you testified at least a couple times
17 in the redistricting case called by the State; is that
18 right?

19 A. Three times.

20 Q. Three times, sorry. Did you testify in one of
21 the actual trials of the case, or were they always
22 hearings about when the election ought to be held? Do
23 you remember?

24 A. It was three times. And I'm sure it was
25 all -- usually around the mechanics of when the election

1 could be held.

2 Q. Okay. Who was it that you would coordinate
3 with at the state to line up your testimony in terms of
4 when to testify and come down there, that sort of thing?

5 A. Donna -- I forget her last name. Donna.

6 Q. Donna something?

7 A. Yeah, Donna something.

8 Q. Okay. All right. Fair enough. So just a
9 little bit about yourself. You know, obviously, I know
10 these questions and answers, but so our record is clear,
11 our judge may not know who you are. Could you tell us
12 what your job is today?

13 A. I'm Harris County Clerk, and the chief
14 election official for Harris County.

15 Q. When were you elected to that position?

16 A. In November of 2010.

17 Q. And what party are you a nominee of?

18 A. I'm a Republican.

19 Q. And what's your race?

20 A. I'm Caucasian.

21 Q. And your age?

22 A. I am 58.

23 Q. Excellent. So can you kind of give us just a
24 thumbnail sketch of your background, where you grew up,
25 when to school, that sort of thing?

1 A. Grew up in Oklahoma, out of Broken Arrow.
2 Went to Oklahoma State University. Trained as an
3 electronics engineer. Worked in the defense industry
4 for 11 years as a hardware/software engineer.

5 I worked on the Space Station at the
6 central test facility as an engineer. And then worked
7 at Compaq computer in product development as an
8 engineer.

9 Then I worked at the tax office as an IT
10 specialist for a while. And then I've worked -- been
11 elected to county clerk.

12 Q. Prior to your election as county clerk, had
13 you ever run for office?

14 A. Yes, I had run for the Harris County
15 Department of Education in 2008.

16 Q. Was that successful or unsuccessful?

17 A. Successful in the primary. In the, as we call
18 it the Obama tsunami in 2008, I did not win in the
19 general election.

20 Q. Any other offices you've sought?

21 A. Precinct chair.

22 Q. Is that all?

23 A. That's all I can think of, yes.

24 Q. All right. So other than the times you sought
25 election, whether it's precinct chair, or Department of

1 Education, or your current position --

2 A. I have been -- was elected to the electoral
3 college processing party back in 2000.

4 Q. I see, to go to Congress and vote for
5 president?

6 A. Well, you vote just at the capitol, but vote
7 for president in the electoral college.

8 Q. So other than those times that you've sought
9 elective office, have you done any work in elections?
10 Have you volunteered for a campaign, administer,
11 precinct judge?

12 A. Yes, election, small stuff. I've been
13 election judge several times. I've been a clerk at an
14 election. Not a lot, but some.

15 Let's see. Helped out with different
16 campaigns, not what I'd call heavily, but never -- I
17 know I did work on -- a guy ran for Congress against Ted
18 Poe. Wrong thing to do.

19 Q. So he ran against Ted Poe?

20 A. Yes.

21 Q. Okay.

22 A. When he was first elected, first elected.

23 Q. But you did at least one cycle serve as an
24 election judge; is that right?

25 A. Not as -- I have one time served as an

1 election judge.

2 Q. When was that?

3 A. Oh, back when I worked at -- on the Space
4 Station. I would say early '90s.

5 Q. I see.

6 A. Yeah.

7 Q. Do you still live in the same precinct that
8 you worked as an election judge?

9 A. No, no, it's on the opposite side of the
10 county.

11 Q. Do you know your -- do you happen to know your
12 precinct number, as you sit here today, where you live
13 now?

14 A. We actually moved a couple years ago. And
15 it's either -- it's like 516, but I'm not sure that's
16 it.

17 Q. Sure.

18 A. It might be 517.

19 Q. What part of town, generally, do you live in?

20 A. I live up towards the south of Willowbrook.

21 Q. Okay.

22 A. Off of 1960.

23 Q. So other than that stint in the '90s as an
24 election judge in one cycle, have you otherwise worked
25 in elections?

1 A. I worked several times as a clerk.

2 Q. I see, okay.

3 A. So I understand the process on the ground.
4 I've been precinct chairman where I actually got someone
5 else to run the election. It's more efficient to have
6 someone else do it.

7 Q. And, of course, since you've been clerk, it's
8 been one of your responsibilities to run the entire
9 county election; is that right?

10 A. Correct. And working in the tax office at the
11 voter registration side of it, I just take
12 technology-type projects if they're small, but I did a
13 little bit of work there when I was in that office.

14 Q. You used to work in the tax office?

15 A. Yes.

16 Q. What years did you work there?

17 A. The three-and-a-half years before I was
18 elected as county clerk.

19 Q. What was your role there?

20 A. I was basically IT -- hardware IT, in charge
21 of the computer systems.

22 Q. Who were the tax assessors, assessors that you
23 worked under when you were there?

24 A. Paul Bettencourt, Leo Vasquez, and Don
25 Summers.

1 Q. So you were hired during the Bettencourt
2 administration?

3 A. Yes.

4 Q. And who recruited you for that job, or did you
5 interview with?

6 A. I knew Paul. Paul.

7 Q. I see. It wasn't a matter of they posted the
8 job and you applied, this was something that came up
9 between you in your discussions with Mr. Bettencourt?

10 A. Yes.

11 Q. Well, obviously, we want to talk to you today,
12 and I promise not to waste much of your time. This, I
13 expect, is going to take a couple hours, but not the
14 better part of your day.

15 A. All right.

16 Q. But before we get to that, I do want to know a
17 little bit about what you did to prepare for your
18 deposition. You got a deposition notice that asked for
19 some documents.

20 A. Right.

21 Q. And we received three boxes of documents.

22 A. Yes.

23 Q. Is that your recollection of what was
24 produced?

25 A. Yes. My staff went through a lot of stuff and

1 tried to pull up everything that they could find that
2 related to what your requests were. So, to the best of
3 our knowledge, we do have those exhibited in those
4 documents.

5 Q. Okay. And I didn't bring the boxes in here
6 today because it's quite a task just to move them
7 around.

8 A. Yes.

9 Q. But just to describe them for our record, they
10 are three large banker boxes of documents, and all three
11 boxes are full; is that right?

12 A. Yes, sir. Yes.

13 Q. Did you attempt to collect any documents
14 outside of your office, but otherwise in the custody of
15 Harris County, that were responsive to the subpoena?

16 A. If we had anything, any knowledge outside of
17 this office, yes, we would have tried to gather
18 everything we could.

19 Q. All right.

20 A. The majority of it, I think, would be here,
21 but I don't know of anything --

22 Q. I'm not suggesting there is anything else.

23 A. Yeah, right.

24 Q. Okay. Who was it in your office that was
25 responsible for this?

1 A. Largely, Sonya.

2 Q. I see.

3 A. My administrator of elections. She's the most
4 knowledgeable, and she is also an attorney.

5 Q. Okay. Now, other than any discussions you
6 might have had with Mr. Ray or somebody at the county
7 attorney's office, did you speak with anybody in
8 preparation for the deposition?

9 A. Well, like I said, I talked a little bit to
10 Doug Ray, a little bit to Sonya, but it wasn't any what
11 I would call extensive -- in fact, it was very short
12 preparation. Just general answer questions shortly type
13 of directions.

14 Q. Have you been contacted by the United States
15 Department of Justice at any time about your activities,
16 or your office's activities in implementing Senate
17 Bill 14?

18 A. Not -- I don't think so.

19 Q. And just so we're clear, you understand when I
20 talk about Senate Bill 14, I'm talking about --

21 A. The photo ID.

22 Q. -- the photo ID law that the legislature
23 passed.

24 A. Right.

25 Q. Okay. Have you at any point been contacted by

1 the Texas Attorney General's office as it relates either
2 to implementation of S.B. 14, or your testimony, and/or
3 participation in this case?

4 A. I think there was an e-mail about scheduling
5 of this event. I don't -- I don't think there is
6 anything that -- any interaction-type discussion.

7 Q. So you think the extent of any communications
8 you've had with the Attorney General's office as it
9 relates to either this case or S.B. 14 was an e-mail
10 trying to arrange a convenient time for the deposition;
11 is that right?

12 A. To the best of my knowledge, yes.

13 Q. Okay. Has anybody with the Texas Attorney
14 General's office interviewed you or discussed with you
15 what your testimony may be?

16 A. No.

17 Q. Have you at any time been notified by anybody,
18 not just the Texas Attorney General's office, that you
19 might be desired or wanted as a witness in the trial of
20 this case scheduled in September in Corpus Christi?

21 A. No, I don't believe so.

22 Q. Have you come to learn whether anybody on your
23 staff has been similarly contacted about potentially
24 being a witness?

25 A. Not to my knowledge, no.

1 Q. All right. So Senate Bill 14 that's the
2 subject law in this case was passed in 2011, is that
3 your recollection?

4 A. Correct.

5 Q. Okay. And because of the -- I'm just trying
6 to save us some time here, because of the Section 5
7 case, it was delayed in implementation, would you agree,
8 the pre-clearance issue delayed Senate Bill 14
9 implementation in your office?

10 A. Yes, it was delayed, yes.

11 Q. Okay. And then in June of 2013, the U.S.
12 Supreme Court issued the Shelby County vs. Holder
13 opinion.

14 A. Right.

15 Q. And shortly thereafter, the State Attorney
16 General's office cleared the implementation of Senate
17 Bill 14, is that your recollection of events?

18 MR. SCOTT: Objection; form.

19 A. Yes.

20 Q. (By Mr. Dunn) When is it, if you know, that
21 your office first began to take steps to implement
22 Senate Bill 14?

23 A. I think because we knew the potential of it
24 being there, we had discussions of, you know, the
25 logistics of implementing it, you know, and that would

1 be forms because, you know, kind of work if this
2 changes -- I think we heard that the state would want to
3 implement it the next election.

4 And as a result, we're so large that, you
5 know, for us to put all of our implementation things in
6 place, we would have to get a jump on it.

7 So mostly all dealing around the
8 different forms we needed, you know, kind of the
9 what-ifs discussions that we had.

10 Q. All right.

11 A. I wouldn't call it extensive.

12 Q. Even while implementation of S.B. 14 was being
13 held up, your office was working on getting ready for
14 implementation, if it ever happened. Is that what I
15 understand you to say?

16 A. I think it was closer to the time when we
17 thought the Supreme Court would rule.

18 Q. I see.

19 A. In looking forward, "Oh, this could change,
20 this could happen. So, therefore, let's try to get a
21 little ahead of it."

22 Q. Do you know what month that you started that
23 work in earnest?

24 A. I have no idea. It was -- I don't know. A
25 whole season, I guess. Three or four months before that

1 ruling maybe, but I don't remember exactly.

2 Q. Okay. Do you -- who on your staff was
3 principally responsible for implementation of S.B. 14?

4 A. Well, we would take direction from the
5 Secretary of State on any implementation of things, but
6 we also knew that there would be forms that we would
7 need to have planning for budget, if we had to, you
8 know, get new forms.

9 Just looking at do we have the means,
10 what are our roadblocks we would have, if this came out
11 this way.

12 Q. Okay. But you -- I guess what I'm trying to
13 find out, did you say, "All right, look, Jane, you're
14 going to be the go-to lead in the office for
15 coordinating with the Secretary of State on
16 implementation of S.B. 14"?

17 Did you have somebody that was kind of
18 ramrodding that implementation?

19 A. John German at that time was the administrator
20 of elections. We were just more knowledgeable of what's
21 going on. I mean, it was a small group. I don't know
22 that there was any one point person.

23 We basically were going to have to
24 respond -- we were going to be in a position of
25 responding to when will the Secretary of State say,

1 "Okay, we're going to do this, so therefore, you know,
2 do this."

3 Q. So just for our record, could you spell
4 Mr. German's first and last name?

5 A. John German.

6 Q. Is it --

7 A. John, just J-O-H-N. And German, like the
8 country.

9 Q. Now, you mentioned some of the things, you
10 coordinating with the director -- with direction of the
11 Secretary of State, and you had to work on forms and you
12 were planning for the budget issues. These are things I
13 wrote down that you just mentioned.

14 A. I'm not sure how much coordination. There
15 wasn't really coordination. It was just probably in
16 brief discussions that this could likely happen, that we
17 would be prepared.

18 It wasn't any meetings or anything of
19 that nature, other than people, you know, Secretary of
20 State conferences, the normal course of business type of
21 items.

22 Q. So there wasn't any special --

23 A. Not really.

24 Q. -- coordination of events?

25 A. No.

1 Q. So to the extent there was direction from the
2 Secretary of State, that came to you in the regular
3 course as other direction from the Secretary of State
4 comes?

5 A. Pretty much so, yeah.

6 Q. Okay. So with regard to these forms and the
7 budget planning you had to do, were there any resources
8 available to you from the state to implement Bill 14?

9 A. I don't -- I don't recall that there was, but
10 I'm not -- I don't really remember that there was money
11 from the state to implement.

12 I mean, we had money in our budget to do
13 it, and I do have some discretionary money in my office
14 that I can use for projects that are deemed -- that fall
15 under the keeping control of my records essentially.

16 Q. So -- and I'd like to ask you a little bit
17 more about that, but to the best of your recollection,
18 there wasn't any funds that came from the state
19 earmarked for implementation to Senate Bill 14 in Harris
20 County?

21 A. Not direct funds, no. I believe they did
22 advertising in helping getting the word out.

23 Q. But those were activities that the state paid
24 for and directed, not you?

25 A. Correct.

1 Q. Okay. And I'm not trying to, you know, drill
2 this down to too fine of a point, but all I'm trying to
3 find out: Was there a wire transfer or check sent to
4 the state to Harris County to help in any way with
5 Senate Bill 14?

6 A. I don't recall any, no.

7 Q. Okay. So you mentioned that you have some
8 discretionary funds.

9 A. Yes.

10 Q. And so did you use any of your discretionary
11 funds on Senate Bill 14 implementation?

12 A. We did things to get the word out. I mean, we
13 did billboards around the county, you know, reminding
14 people to bring your photo ID to the polls.

15 We did, you know, lots of brochures, lots
16 of posters, lots of fliers, that we really contacted
17 just about anybody, any government agency, schools, your
18 ISDs, your colleges, the city, libraries, everywhere we
19 could think of, we mass-distributed those type of
20 information getting the word out about photo ID being
21 required at the poll to vote.

22 Q. These things that you just described, they
23 cost money, I assume.

24 A. Most of it doesn't. I mean, most of the
25 print, extra cost, but I don't think any cost of extra

1 brochures, extra printing, anything, it wasn't anything
2 I couldn't handle on the budget.

3 Q. Okay. It was things you had to spend money
4 on, but you could handle it with your regular budget?

5 A. Yeah, but even the billboards was covered by
6 the budget.

7 Q. So did you at any point go to commissioners'
8 court --

9 A. No.

10 Q. Let me finish my question.

11 A. I'm sorry.

12 Q. You probably know where I'm going. Did you at
13 any point go to commissioners' court and ask for
14 supplemental budget monies to implement S.B. 14?

15 A. No.

16 Q. Other than the advertisements that you've
17 described, the pamphlets, the posters, the billboards,
18 was there any other expenditure your office had to occur
19 in order to implement Senate Bill 14?

20 A. Well, we had to design some new forms, but,
21 you know, we have printing costs associated with forms
22 anyway.

23 So, yeah, we probably had to -- we
24 haven't really scrapped them, we're probably not using
25 the old forms as a result. We kept them on hand just in

1 case things went back the other way.

2 Q. From my standpoint, hopefully that's a smart
3 move on your part.

4 A. We just keep them, you know, we're trying to
5 save the taxpayer dollars, and I have got a nice big
6 warehouse that allows me to keep them.

7 Q. All right. So other than the printing and
8 design of those forms, there is no other money that your
9 office spent that it wouldn't have to spend if S.B. 14
10 had never come along?

11 A. I probably went out a little bit more. We
12 made the best effort, I mean, have a photo outreach
13 department, and they went to more -- probably more
14 locations.

15 And then I told them to do the maximum
16 push to get this word out, so all the community
17 organizations they would go to.

18 I just did -- I probably did more than
19 what they would normally do. In other words, we worked
20 them very hard to get the word out. So, yeah, they had
21 more -- more things to do.

22 We had more brochures, more fliers got
23 handed out than normal. But, yeah, there wasn't any big
24 expense, I think, in the big picture when we look at our
25 whole budget.

1 Q. Okay. Now, at one point in time, some
2 counties, for example, Dallas County, my client, took
3 the Secretary of State on its offer to pay an outside
4 vendor to match the state-wide TEAM database with the
5 state driver's license database and get a list of folks
6 in Dallas County who didn't match.

7 A. Right.

8 Q. And then send notifications to. Is that
9 something, to your knowledge, that Harris County did?

10 A. Yes, we did the -- we did that internally
11 here. We actually -- we don't pay a vendor to do it.

12 Q. Okay.

13 A. We actually did a hard match of the DPS
14 database to the voter registration roll, and everybody
15 that, you know, wasn't on suspense we mailed a letter
16 to.

17 But yes, that was an extra cost, but here
18 again, my budget was able to do that. It was over
19 90,000 mailings that we did, to people who -- like I
20 said, if you were on suspense, in other words, your
21 voter registration card had been returned, so we weren't
22 going to waste money sending it to those that would be
23 returned.

24 So everybody that was not a hard match, I
25 mean, it could be a soft match, we would still send them

1 a letter.

2 Q. And who in your office performed that match
3 for you?

4 A. Myself, and some of my IT staff did that.

5 Q. Okay. And not to be too picky, so you're
6 saying you, Mr. Stanart, sat at the computer and hit the
7 keys and made it happen?

8 A. I'm an engineer, I'm a software engineer.

9 Q. Okay. All right.

10 A. I did some of that, yes.

11 Q. So the list or output you got from such a
12 match, is that contained in the documents that were
13 produced?

14 A. Should be. I believe so, isn't it? The
15 matched?

16 Q. I saw some lists in there, but I didn't know
17 exactly what they were. So that's why I'm asking.

18 A. Right. We can provide that if we -- if, for
19 some reason, it's not in there.

20 Q. Okay. And do you recall essentially how many
21 people came up on that match?

22 A. It's over 1.8 million. I don't remember the
23 exact number, but the -- like I said, after taking out
24 the ones that are in suspense, it was a little over
25 90,000 that we actually mailed the letters to.

1 Q. Oh, I'm sorry. I thought it was \$90,000 in
2 mailings.

3 A. No.

4 Q. You're say there's 90,000 people you mailed
5 to?

6 A. Yes, over 90,000 people that we actually
7 mailed those letters. And the samples of the letter are
8 in there. There was -- and the letter was refreshed
9 also for the primaries.

10 So anybody who got newly registered that
11 we could not match, and had not previously gotten a
12 letter, we actually did, we sent that mailing was much
13 smaller. I forget the numbers.

14 Q. And I'm not going to try to hold you, is that
15 like a thousand, or 5,000, or 10,000?

16 A. Yeah, yeah. It's not a large number.

17 Q. Okay. And are those the only two mailings you
18 did that were sort of S.B. 14-related?

19 A. Yes. I don't think we did one for the runoff
20 just because it's the same people that voted in the
21 primary, we would expect them to show up. We'll do it
22 again in November is our plan.

23 Q. Was there any direction from the state for you
24 to do that? I mean, did somebody, in other words, tell
25 you you should do this, and that's why you did it, or

1 you came up with it on your own?

2 A. We came up with it on our own. After Dallas
3 had done it, we had other elected officials, you know,
4 asked us to do the same, but it was also in our mind.

5 Q. I see. Do you know any other counties that
6 have done it, other than Dallas County?

7 A. No, I don't personally know of others.

8 Q. Okay. Do you have some kind of a system, I
9 don't know if it's a LISTSERV, or conference, or
10 telephone -- regular telephone calls, where you
11 communicate with other county election officers?

12 A. There is a LISTSERV of -- you know, county
13 clerks, and one for people that do elections. I don't
14 read it very often.

15 Q. Okay.

16 A. There's a lot of e-mails that pop across
17 there.

18 Q. If it's anything like the LISTSERVs I'm on, it
19 fills your inbox.

20 A. Yeah. I actually hit -- automatically pull it
21 off into another archive folder. I don't even -- it
22 doesn't come into my inbox.

23 Q. Do you know the name of this LISTSERV?

24 A. It's the Texas Association of Counties.
25 There's an election LISTSERV.

1 Q. I see.

2 A. And, of course, the county clerk one, too.

3 Most everything you do in the election should be on the
4 election Web site. If it's not inconceivably it's not
5 there.

6 Q. So these two lists, they are both administered
7 by the Texas Association of Counties --

8 A. Yes, yes.

9 Q. Do a little bit better at letting me finish my
10 question, keep our record a little straighter.

11 A. Okay.

12 Q. All right. So I just want to make sure I
13 understand all the things you spent money on. You made
14 some forms, and billboards and advertisements, you did
15 the approximately 90,000 piece mailing. Then later in
16 the primary, you did a smaller mailing. Is that all?

17 A. We did, you know, radio interviews, TV
18 interviews. Of course, we did -- went to the -- as much
19 as possible, get as much free media as possible.

20 Q. Okay.

21 A. We did lots of press releases, extra press
22 releases. Our motivation was to get the press on board.
23 I think they did a pretty good job of actually getting
24 the word out.

25 Of course, we did, like I said, a lot of

1 press releases. I had my staff recall -- follow up with
2 the press releases after we had sent them out, just
3 did -- just to get the interest up.

4 We wanted the word to get out to every
5 voter in Harris County that you need to bring a photo
6 ID. We didn't want anybody to not know, even though
7 there is always somebody who hides under a rock that
8 doesn't, but we did our very best to get that out.

9 Q. So other than those things, you can't think of
10 anything else that you spent money to implement?

11 A. No.

12 Q. One more question about the LISTSERV. You
13 said that, you know, you have to output that to another
14 device because it's so voluminous, I guess. Do you
15 still have any of the LISTSERV postings?

16 A. Yeah, yeah.

17 Q. And do you know whether in response to the
18 document requests your staff went through and just --
19 produced which of those were related to S.B. 14?

20 A. I don't know if we did -- they did or not. I
21 mean, we just gave it to the IT to pull the e-mails off
22 of the -- you know, the list of keywords.

23 Q. Okay.

24 A. I don't know if that one would have got picked
25 up or not, but we can do that, if you wish.

1 Q. How far back would you have LISTSERV postings?

2 A. Two years, at least.

3 Q. Okay.

4 A. Three years maybe, three years. I don't know.

5 It's a bunch.

6 Q. Anybody in your office, other than you, that
7 is on the LISTSERV?

8 A. Elections. Are you on there, Sonya? Yes, I
9 think Sonya is. It's for elections administrators, and
10 it's for, you know, clerks that run elections, or the
11 tax assessor-collectors that do voter registration.

12 I would think they would have those. Not
13 that I ever delete anything, but they would have
14 probably a more complete list than me.

15 Q. Do you think somebody in the tax office is
16 also on this LISTSERV?

17 A. I don't know. I don't know if they subscribe
18 to it or not.

19 Q. And just for our court that might not be
20 familiar with Harris County, we have a tax office
21 here --

22 A. Yes.

23 Q. -- that does voter registration.

24 A. Right.

25 Q. And then you're the county clerk, and you're

1 in charge of administering the rest of the election; is
2 that right?

3 A. Right.

4 Q. All right. Now, I assume in addition to the
5 things you've mentioned, in order to implement S.B. 14,
6 you had to train some staff and volunteers, election
7 workers.

8 A. Oh, yes, yes.

9 Q. Okay. And when do you think the first such
10 training occurred?

11 A. Well, it was shortly after it was told to be
12 implemented.

13 Q. Okay.

14 A. All of our clerks got multiple points of
15 training. Whether that be in e-mails, through the
16 in-person requirement we had for them to come get
17 trained. The videos that we put on our Web site for
18 them, for training. The Power Points.

19 Just, you know, we tried our very best to
20 do the most excellent job possible to get to them, "This
21 is what it takes for you to implement voter ID."

22 Q. And so -- but it is the case you didn't do any
23 of these trainings prior to the Shelby County decision?

24 A. No, because it wasn't -- it wasn't there.

25 Q. Right.

1 A. We didn't want to confuse our workers until --
2 you know, two different directions.

3 Q. How many election clerks, you know,
4 roundabout, does Harris County have?

5 A. Clerks, I mean, we have a lot. We have 5,000
6 clerks on a big election. I mean, it's -- and judges.
7 I mean, it's just a lot of people that it takes to run
8 our elections.

9 Q. Do you know about how many election judges
10 Harris County has?

11 A. We had, I think, last November 776 polling
12 locations, I believe. It's really close to that number.
13 Because it changes according on what's available.

14 Q. Would that number -- and I understand,
15 somewhere around 770.

16 A. Yes, right.

17 Q. I'm not trying to nail you down to exactly,
18 but would that number be more or less the same as in a
19 presidential election?

20 A. Yes, it does not -- it depends. You know, if
21 we -- redistricting drives how many precincts we have,
22 but then the reality is you can't have -- you don't have
23 dinky precinct.

24 We have zero population precincts because
25 of how the lines get drawn, but we usually combo them up

1 very similar, even with redistricting.

2 Q. Okay. So if I understand it, in terms of your
3 office training election workers in Harris County about
4 S.B. 14, you've got somewhere in the neighborhood of
5 seven to 800 election judges that need to be trained.

6 A. Yes.

7 Q. And you've got somewhere in the neighborhood
8 of 5,000 election clerks that need to be trained; is
9 that right?

10 A. Well, we give training to the judges and
11 alternate judges most extensive because the judge is
12 responsible for, you know, hiring the clerks.

13 Q. Okay.

14 A. And so when they do those last-minute hirings,
15 the best training they can get is to go to the -- our
16 Web site, the local videos, and they are requested that
17 they do that.

18 But as long as the judges and the
19 alternate judges that are actually running the polls are
20 getting trained, then we're confident that things should
21 work correctly, as best as possible, at the polls.

22 Q. Okay. So is another way of saying what you
23 just said is your office makes sure the judges and
24 alternate judges are trained, and then it's the job of
25 the judges and alternate judges to get the clerks

1 trained?

2 A. Well, we actually -- yeah, we ask them to do
3 that. We provide training to anybody, any clerks --

4 Q. I see.

5 A. -- that will come. It's not like we're
6 restricted.

7 Q. Okay.

8 A. But the requirement is that we get the judge
9 and alternate judge training.

10 Q. Okay. So some of the clerks come to the
11 training.

12 A. Yes.

13 Q. And other clerks will get the training from
14 their election judge or alternate judge?

15 A. Correct. And also we tell them to do the
16 video on-line. I think everybody is required on-line to
17 take an hour of that.

18 Q. And when you say they were required to take
19 this video, did they click some box on a computer?

20 A. Yes. They go to harrisvotes.com and there's a
21 training module.

22 Q. And then they would certify in some way
23 electronically that they watched it; is that it?

24 A. No, we did not have that.

25 Q. Okay.

1 A. But the in-person was for the judge and the
2 alternate judge.

3 Q. Can anybody, other than the election -- an
4 election clerk -- I mean, could I go on the Web site
5 right now and watch this video?

6 A. Yes, go to harrisvotes. I think it's still up
7 there. Right? Yes.

8 Q. All right. Are there any other aspects of the
9 training that I've missed out on, that we haven't talked
10 about?

11 A. We went around the county to, you know, the
12 election law that Sonya pretty much does. We go to
13 different locations around the county to make it easier
14 for the judges to get there, have multiple, many, many
15 sessions available.

16 So we -- like I said, we tried to manage
17 to get everybody trained as much as possible.

18 Q. And you feel like you were successful in that
19 regard?

20 A. Yes.

21 Q. Do you feel like you were successful in
22 getting out the word to voters?

23 A. Yes.

24 Q. And what matrix, if any, do you use to
25 determine whether you were successful on either or both

1 of those things?

2 A. Well, I think two major matrix is voter
3 turnout, okay? And then the other item would be the
4 number of people who voted provisionally due to not
5 having an ID.

6 Q. Now, as far as your office is concerned, you
7 obviously administer federal, statewide, countywide
8 elections.

9 A. Right.

10 Q. And you're also responsible, I assume, for
11 some smaller units, like some school districts and
12 things of that nature?

13 A. We do some of their elections, but we are not
14 responsible for them.

15 Q. Okay.

16 A. It's only when there is an election
17 administrator, that they have to run all the elections.
18 The clerk does not.

19 Q. So what elections, since June of 2013 when
20 Shelby County came out from the Supreme Court, have you
21 administered under Senate Bill 14?

22 A. Well, we did the -- it seems like it was a
23 real small entity -- we did, of course, the November '13
24 election. But it seems like there was a -- something
25 small we did. Like a -- I don't even recall.

1 I think there might have been one really,
2 really small we did previous to the November '13. But
3 the November '13 was the first one.

4 Q. I think there was some municipal elections
5 back in September. I didn't know if there was any in
6 Harris County, though.

7 A. There was -- that's what I'm thinking. I
8 think there was one.

9 Q. Okay.

10 A. But anyway, November '13 was our major one,
11 and that was our first real one. And then let's see.
12 Of course, we did the Senate District 4 -- no.

13 Q. Six?

14 A. Is it 6? I forget if that was in -- was that
15 in that time frame?

16 Q. I don't think so.

17 A. No, that was before that. Yeah. Okay. We
18 did, of course, the primary, and then the runoff primary
19 this year.

20 Q. So except for maybe a small city election, you
21 think it was November of 2013 -- and I'm not sitting
22 here trying to quiz you on this.

23 A. Right, yes.

24 Q. I want to know what elections to look at.

25 A. Those are the major, significant ones.

1 Q. Okay. So the November 2013 election.

2 A. Right.

3 Q. And the primary and primary runoff that
4 happened in 2014.

5 A. Right.

6 Q. And there might have been a city, but you
7 don't, for example, recall administering an election for
8 Lone Star College?

9 A. No, we did that in May of 2013, so that was
10 pre-Shelby.

11 Q. All right. Now, you said that the matrix that
12 you would use, did voter turnout, and then -- well,
13 let's talk about that first.

14 Have you sat down and looked at the voter
15 turnout in November of 2013, or in this recent primary,
16 and compared it in Harris County to a similar election
17 in the past?

18 A. Yes. Yeah.

19 Q. And what did you determine about voter
20 turnout, say, compared to the November -- I guess it
21 would be 2011 election and the November 2013 election?

22 A. It was -- they were higher. I mean, they were
23 higher than the previous ones. I looked back two or
24 three others. They were higher. I forget how
25 significantly higher, but they were higher than those.

1 The primary was -- other than the last --
2 the two years when Ted Cruz was on the ballot for the
3 primary, for Republicans it was higher, the Democrat
4 County wasn't as high, just because.

5 Q. Okay. So other than looking at, you know, the
6 gross figure of voters, there was 10,000 in this
7 election?

8 A. Right.

9 Q. In this one there was 12,000. Did you do any
10 sub-analysis of those?

11 A. No, I don't think so.

12 Q. In other words --

13 A. We look at countywide.

14 Q. Just a countywide gross analysis?

15 A. Correct.

16 Q. Okay. I'm just trying to find out: Did you
17 go in and say, "Well, identify a certain subset of
18 voters that showed up in one election and see if they
19 came back on the next"?

20 A. No.

21 Q. The other thing you mentioned was the number
22 of provisional ballots.

23 A. Yes.

24 Q. So did you review the number of provisional
25 ballots in a pre-Senate Bill 14 election and then

1 compare it to the like election after Senate Bill 14?

2 A. I don't recall that I personally did that.

3 Q. Okay.

4 A. I don't know the exact numbers. I do know the
5 numbers of the November election that had photo ID.

6 Q. So what was -- I guess how is it that you
7 analyzed the number of provisional ballots to come to
8 the conclusion that you had successfully gotten the word
9 out and adequately trained your staff on Senate Bill 14?

10 A. Well, the provisional ballots that were photo
11 ID, were 105. Of those, six were not even registered.
12 So we had the nine left. And of those numbers, you
13 know, eight people came back in cure.

14 We did -- and I don't remember the exact
15 when we did it. We did some cursory match back to the
16 DPS database.

17 And if I recall, there was about
18 two-thirds of them that we could say those people have
19 photo IDs, they left them at home, or whatever, I mean,
20 so...

21 Q. And was there any, you know, paperwork, or a
22 report, or something generated?

23 A. No, I don't think so. I think it was just a
24 general query.

25 Q. Okay. Those figures are helpful for November.

1 Do you have them also for the runoff? I'm sorry, for
2 the primary?

3 A. For the primary?

4 Q. Yeah.

5 A. I don't know. I think I've been given
6 something. I mean, we can look at it and see.

7 Q. Sure. If you have something handy.

8 A. I think I have an e-mail to that effect.
9 Let's see here. Yes. The runoff election we also had
10 for the City of Houston election last November, that was
11 in 2014. I forgot to mention that.

12 Q. Okay.

13 A. And we had five IDs there, and none of them
14 came back and cured.

15 Q. None of them did? I'm sorry. I didn't hear.

16 A. Yes, none came back and cured. November the
17 5th we had eight that came back and cured. We had --
18 let's see. In the Democrat primary, we had nine --
19 well, we had a total of ten, one that was cured.

20 And in the Republicans, we had 25 that
21 were ID, and four of those came back and cured. So it
22 was ten and 25, Democrat and Republican.

23 Q. Now, other than your own analysis of this for
24 your own purposes as an elected officer running
25 elections here in Harris County, have you shared these

1 figures with anyone else prior to now?

2 A. I think last November I think I shared it with
3 the media, you know, that the numbers were there, that's
4 out there, yes.

5 Q. What about the state or the United States
6 Department of Justice?

7 A. To my knowledge, I don't think we have. I
8 mean, I know we put out -- I think I put these numbers
9 out last November in a press release, for the runoff, or
10 somewhere in there. It should be in your packet of
11 information there.

12 Q. Okay. And with respect to this group of
13 people who appeared with no ID and didn't cure --

14 A. Correct.

15 Q. -- did your office do anything to reach out
16 for them, or otherwise work on their situation for
17 future elections?

18 A. I'm thinking there's some letter that goes out
19 to them, but I don't recall what the specifics of them
20 are.

21 Q. There may be a letter, but I guess what I'm
22 asking is: Was there somebody on your staff that was
23 sort of tasked to say, "All right, make contact, to the
24 extent you can, with these folks that fill out the
25 provisional afterwards and see if we can help them get

1 an ID"?

2 A. Like I said, most of them do have IDs.

3 Q. Okay.

4 A. So the letter to them saying, you know, "You
5 must have an ID is why your vote is being rejected,"
6 well, everybody who gets provisional, is rejected, they
7 get a letter, so I would think that would be included in
8 there. That is our reach out to them. Did we do more
9 than that, I don't know.

10 Q. Okay. Did you, at any time, do an analysis or
11 consider the number of people, if any, who didn't show
12 up because they didn't think they could meet the ID
13 requirement, or were worried that they couldn't?

14 A. No. I mean, how would I know that?

15 Q. And I'm not suggesting you could.

16 A. Yeah.

17 Q. Now, is your -- you know, one of the IDs
18 that's permitted under Senate Bill 14 is called an EIC,
19 an election identification certificate.

20 A. Yes.

21 Q. Do you know what I'm talking about when I say
22 EIC?

23 A. Yes, definitely.

24 Q. Does your office have the ability to issue
25 EIC?

1 A. No, DPS is the one who issues those. We did
2 assist DPS and the Secretary of State in finding some
3 temporary locations.

4 In fact, they used one of my offices in
5 the county. Initially, it was four temporary locations
6 in addition to the 12 DPS locations in the county. We
7 assisted them in locating some of those locations.

8 Q. Locating some of the four temporary ones?

9 A. Yes, yes, yes.

10 Q. Okay. And I want to talk about that, that's
11 important, but for right now, I want to focus on your
12 office's ability to issue an S.B. 14-approved ID. And,
13 as I understand it, you lack that authority; is that
14 right?

15 A. That's correct, yes.

16 Q. Okay. Is that something you've ever asked for
17 or inquired if you could be given the authority or the
18 opportunity to meet that need, if any?

19 A. There might have been a discussion, but I
20 don't think so.

21 Q. Okay.

22 A. Our job really was to implement the law as
23 it's written right now.

24 Q. Well, did you ever testify before the
25 legislature as it related to changing the law for photo

1 ID requirements?

2 A. I don't believe so, no.

3 Q. Do you know if anybody in your office or
4 Harris County did?

5 A. We had testified probably on mechanics, and we
6 provide support on what's possible, what's the
7 implications if you do this.

8 In other words, try to help -- we are
9 here to help legislators assist them to make sure they
10 don't mess up stuff, break something, for us and other
11 election administrators across the state.

12 Q. So as part of your consultation with the
13 legislators, did you mention, or do you recall anybody
14 mentioning issuing photo IDs at the same time
15 registration certificates are issued?

16 A. I don't know.

17 Q. Okay.

18 A. I mean, we try to keep out of the politics, my
19 office, the legislature, we try to implement what's
20 relevant, and what's practical, and what makes sense.

21 Q. So going back to the DPS offices, if I heard
22 you correctly, there are 12 regular offices in Harris
23 County.

24 A. Correct.

25 Q. And there were four temporary offices set up;

1 is that right?

2 A. Right.

3 Q. Do you know if there are any DPS offices in --
4 inside Loop 610 in Houston?

5 A. I believe there are, yes.

6 Q. Where are they?

7 A. I'd have to go look. One time I looked at the
8 map.

9 Q. Okay.

10 A. But I don't remember.

11 Q. And that's fine, when you don't know
12 something, just tell me you don't know it.

13 A. Right, yes.

14 Q. Can you recall for us where the four temporary
15 locations are?

16 A. One of them was a church here within the Loop.
17 I think that one is actually one the Secretary of State
18 identified. I've been there, I forget the name of the
19 place, okay? Down here close to Rice University.

20 Another one was down in Pasadena at --
21 where I have one of my offices. Another one was at a
22 City of Houston facility in the north -- I mean, north
23 of the Loop.

24 It might be within the Loop, but it's not
25 very far away, or maybe just north. And then another

1 one, I believe, was at Lone Star College-Victory.

2 Q. So that got me to five locations.

3 A. It's four.

4 Q. Well, you said there was a church that you
5 couldn't remember where.

6 A. Right.

7 Q. One near Rice University.

8 A. No, that's the same one.

9 Q. Oh, same one?

10 A. Yeah, the church is the same one.

11 Q. Oh, okay. I got it. And which of those did
12 you help locate?

13 A. All except for the church.

14 Q. Okay.

15 A. They called -- the secretary of state's office
16 called and said, "Hey, can you help us find something
17 for locations," so with these temporary ones, one that
18 made strategic sense. And we looked where we knew the
19 populations might be best served and we had those
20 locations.

21 Q. And did your office staff any of those
22 locations at all?

23 A. No, that was all done by DPS. They had, I
24 believe, two workers at each of those locations.

25 Q. Do you know whether any EICs were issued?

1 A. No, I don't know what they did.

2 Q. I mean, in other words, you weren't given any
3 kind of report that said --

4 A. There was some verbal, initially.

5 Q. Okay.

6 A. And I heard it was small numbers that were
7 done, but I don't know the specifics of those. The
8 Secretary of State or DPS would have the exact numbers.

9 Q. What was the time period these four temporary
10 locations were opened?

11 A. It was during that period before the election.
12 Now, I believe two of them actually, because of low
13 service, they moved them to two other -- to other
14 locations in the state, to better utilize the resources.
15 So for a while, they had four. Then they had just two.

16 Q. Do you know the two that were closed and moved
17 someplace else?

18 A. The church was kept as one. I don't -- I'm
19 not positive, but I suspect it was Victory, but -- Lone
20 Star College-Victory, but I don't remember.

21 Q. Okay. All right. And you said these were
22 open around the election, but which election?

23 A. The November election.

24 Q. Okay.

25 A. The November election.

1 Q. Were there any mobile units in the recent
2 primary election?

3 A. I believe there was talk about it, and I don't
4 really -- we weren't involved in that, so I don't know
5 for sure --

6 Q. Okay.

7 A. -- how many there was or if there was some in
8 Harris County.

9 Q. And there's also some discussion in this case
10 about mobile EIC.

11 A. That's the same thing.

12 Q. Okay.

13 A. Temporary is mobile. I mean, some laptops on
14 a table in a building.

15 Q. Okay.

16 A. It's not like it's anything other than, you
17 know.

18 Q. Yeah. I just wanted to make sure I wasn't
19 missing, you know, there wasn't these four, and then
20 there was roaming units or some things.

21 A. No, that's the same thing, the temporary.

22 Q. Okay. One of the reports that we had received
23 is that there was advertisement for a mobile EIC unit,
24 and the voter went there and it wasn't there at the
25 location that was advertised.

1 A. Right.

2 Q. Again, I don't know if any of this is true.

3 It's just a report I got.

4 A. Right.

5 Q. And they ultimately found the location about a
6 block away.

7 A. A block away?

8 Q. And included at the EIC mobile unit location
9 was a desk for King Street Patriot staff.

10 A. Okay.

11 Q. Are you aware of King Street Patriot staff
12 being involved in any of the mobile stations?

13 A. Not to my knowledge, no.

14 Q. Do you know whether poll watchers are
15 permitted to work EIC-issuing locations?

16 A. It's not -- poll watchers is what I do for
17 elections. EIC is not something that I run.

18 Q. Okay. So you don't know is the answer?

19 A. No, I don't know.

20 Q. All right.

21 A. Yeah. It doesn't make sense to me.

22 Q. Has anybody with King Street Patriots assisted
23 your office in implementing Senate Bill 14?

24 A. No. Why would they?

25 Q. Other than the effort by the state to set up

1 the mobile EIC units, are you aware of any other
2 outreach in Harris County to issue S.B. 14-eligible IDs?

3 A. Yes. I actually did a -- I guess it was TV
4 interview with the League of Women Voters where they
5 said their emphasis, and also my personal emphasis, was
6 recommending people get a personal ID over the EIC ID
7 because if you can afford the -- I think if you're over
8 62, 65, you can get it for only \$6.

9 And my understanding, they and other --
10 League of Women Voters, other organizations were
11 actually encouraging people to get a personal ID because
12 they have much more functionality than just the EIC.

13 The EIC, of course, is only voting. And
14 personal ID can be used for cashing checks, going to the
15 airport, et cetera, et cetera.

16 Q. And I understand there was, I'm sure,
17 community advertisement.

18 A. Yes, sir.

19 Q. But do you know, was there other sort of
20 offices set up, or special hours, or special something
21 that happened to make it easier to get an S.B.
22 14-eligible ID in Harris County?

23 A. By government?

24 Q. Yes.

25 A. The DPS locations I understood were opened on

1 Saturdays before the election, and we put that on our
2 advise to media also.

3 Other than that, yeah, there was some
4 Saturdays. I don't recall how much -- I don't recall
5 Saturdays, but I don't remember how many Saturdays to
6 provide that access.

7 Q. And you would put that out in any kind of
8 media that you would send out?

9 A. If I knew about it, yes, yes.

10 (Recess from 10:53 a.m. to 10:58 a.m.)

11 Q. (By Mr. Dunn) Mr. Stanart, during the break,
12 we discovered that you had been sent a letter from the
13 Department of Justice --

14 A. Yes.

15 Q. -- asking for the provisional ballot
16 information --

17 A. Right.

18 Q. -- a few weeks ago, and your office responded
19 and provided that; is that right?

20 A. I just saw the letters. I'm not positive we
21 responded. I'm assuming we do.

22 Q. Okay.

23 A. And then also, of course, I think some of the
24 documents we had I think the Department of Justice has
25 asked for them, I think it's similar to the same

1 documents I think you have, we have delivered to them
2 also.

3 Q. Okay. The documents responsive to the
4 subpoena you received?

5 A. Yeah, yes. A different subpoena, but the
6 same -- almost of the same exact documents.

7 Q. All right. I want to talk a minute about
8 voter fraud.

9 A. Okay.

10 Q. You have -- are you aware of any cases of
11 voter fraud in Harris County?

12 A. Well, we have people vote twice, yes.

13 Q. Okay.

14 A. And we actually are working on the list from
15 last November and the primaries that we will be sending
16 over to the DA's of -- I don't know what we are down to.

17 We want to do extensive research to
18 actually verify that that's what's happened here, that
19 people who vote in both primaries, we will send those
20 lists over to the DA.

21 We have had -- we will probably have
22 about 50, but we are not finished culling it out, that
23 we'll be sending over.

24 I know previous elections, we've had
25 hundreds where people have voted twice. And so those

1 are -- some have been sent over by previous clerks to
2 the DA, and some have not.

3 I mean, I try to send over lists myself.
4 We have -- I hear stories from, you know, poll watchers
5 and things, you know, where people used to come in with
6 multiple voter registration cards and were using those
7 to attempt to vote more than once.

8 Q. Other than voting more than once, are you
9 aware of any other voter fraud in Harris County?

10 A. We have turned over to the Attorney General a
11 judge for not following the law in their duties.

12 Q. An election judge?

13 A. A ballot board judge.

14 Q. Who was that?

15 A. That is -- I forget her name. My name went
16 blank.

17 Q. Is this Jill Moffet?

18 A. Yes, Jill Moffet, yes.

19 Q. And what was your concern about Ms. Moffett's
20 compliance with the law?

21 A. She was accepting ballots that legally she
22 should not have been accepting.

23 Q. What kind of ballots was she accepting?

24 A. Provisional ballots.

25 Q. Was there a particular characteristic of these

1 provisional ballots? I mean, did they all have the same
2 problems, or were they random issues?

3 A. It was related to people who had voted in
4 precincts other than their precinct where they were
5 supposed to vote in an election.

6 Q. And so Ms. Moffet was voting, I guess, as a
7 member of the ballot board to tabulate provisional
8 ballots for people who had cast a ballot in the wrong
9 precinct?

10 A. Correct.

11 Q. Do you know whether the officers that that
12 voter voted on were the same officers they would have
13 voted on had they voted in their precinct?

14 A. I'm not sure.

15 Q. Okay. And you referred this to the district
16 attorney's office; is that right?

17 A. Yes, yes.

18 Q. Okay.

19 A. And the attorney general, or the secretary of
20 state -- I'm sorry, to the secretary of state.

21 Q. Who at the secretary of state did you report
22 this information?

23 A. I think it was just addressed to the secretary
24 of state, but it probably, you know, was specifically to
25 the director of elections.

1 Q. Was this a letter?

2 A. Yes.

3 Q. Written by you, or signed by you at least?

4 A. Yes, yes.

5 Q. Okay. Is that in the materials that were
6 produced?

7 A. I think, but I'm not positive.

8 Q. All right. Well, we'll follow up. And so the
9 letter that was sent to the secretary of state, was it
10 just copied to the district attorney, or was there a
11 separate one sent to the district attorney?

12 A. I don't recall. There could have been
13 separate, or it might have been a cc. I'm not sure.

14 Q. What, if anything, has come from that
15 referral?

16 A. I understand there's some investigation going
17 on.

18 Q. Okay.

19 A. Other than that, I don't know any details.

20 Q. Do you know if a grand jury --

21 A. No, I don't know of anything.

22 Q. You don't know if a grand jury has taken
23 testimony on that?

24 A. No, not to my knowledge.

25 Q. Okay. All right. So other than people voting

1 twice and the situation you just described with
2 Ms. Moffet, are you aware of any other voter fraud in
3 Harris County?

4 A. I mean, every election, if we find something
5 that doesn't look right, we will send that over to the
6 DA.

7 We do have, you know, where we see people
8 who are signing ballots for more than one person.
9 That's happened here.

10 Q. Mail ballots?

11 A. Yes, yeah. We'll send items over to them to
12 investigate, for investigation. I don't recall every
13 type of things that we've seen because usually, yes, a
14 lot of it's associated around mail ballots.

15 You know, we've heard of -- I know there
16 has been some investigation the county attorney's office
17 has done on mail ballots that was obviously canvassed
18 from the same street type thing, you know.

19 Q. Are you aware of any incident in Harris County
20 that Senate Bill 14 would have prevented?

21 A. I believe that because those people, like I
22 said, who used multiple voter registration cards, that
23 having photo ID has -- would make that more difficult
24 for someone to go down that path and vote for multiple
25 people.

1 Q. Well, prior to Senate Bill 14's
2 implementation, are you aware of any time where somebody
3 actually did vote in Harris County, and if there had
4 been an ID requirement, it would have prevented them
5 from violating the law?

6 A. Other than poll watcher feedback or something
7 like that, no, I don't have the specifics.

8 Q. Okay. And somebody who has multiple
9 registration cards, that -- the registration cards could
10 all have the same or very similar names on them with
11 different addresses; is that right?

12 A. It's possible, yes.

13 Q. I mean, you know, so when you say you're
14 getting feedback that somebody has gone to a polling
15 location, they have multiple voter registration cards,
16 that doesn't mean they have voter registration cards for
17 different people they're trying to vote, necessarily.
18 It just means that somebody may have registered multiple
19 times?

20 MR. SCOTT: Objection; form.

21 A. That could be speculated.

22 Q. (By Mr. Dunn) Well, or you could speculate
23 that they were trying to vote for somebody else.

24 A. Right.

25 Q. But either way, it's speculation; is that

1 right?

2 A. Right.

3 Q. Okay. Now, I know it's not your job to run
4 the voter roll.

5 A. Right.

6 Q. And, you know, so we're going to investigate
7 that, obviously, separately. But have you ever looked
8 at the Harris County voter roll and analyzed, you know,
9 the extent of people with similar names being on there
10 multiple times?

11 A. Not in recent days, but I have done a little
12 bit of that, yes.

13 Q. I mean, are you able to confirm for us that
14 there are a number of entries for people with either the
15 same or very similar names at different addresses in the
16 county?

17 A. Yes, I do believe there are some of those in
18 there, yes.

19 Q. For example, if somebody had their home
20 residence, and then they had a couple of rental
21 properties, and maybe they lived at some point in time
22 at each of those rental properties, they could end up
23 getting a voter registration card at each of the three
24 properties.

25 A. Yes.

1 Q. Okay.

2 A. They should be returning them or doing
3 something, but yes.

4 Q. And then if they showed up at the -- at each
5 of those three polling locations with their card and
6 with an ID, with a name that matched that card, they
7 could vote three times, even after S.B. 14, couldn't
8 they?

9 MR. SCOTT: Objection; form.

10 A. That's likely, but we're going to be looking
11 for them.

12 Q. (By Mr. Dunn) Okay. I hope you are. I mean,
13 nobody should get to vote more than once.

14 A. Exactly, exactly.

15 Q. Are you aware of any prosecutions in Harris
16 County of voter fraud, you know, whether it developed
17 before you were elected or since?

18 A. I believe, yes, I know of at least one, but I
19 don't recall the specifics.

20 Q. I mean --

21 A. There has been prosecutions, I just don't know
22 the details.

23 Q. The one you remember, I'm sure you don't know
24 the name, but do you remember what the issue was, or
25 what they had done?

1 A. I know that there's one out there.

2 Q. Okay.

3 A. One or more. I think there's more than one,
4 but I don't know.

5 Q. Do you know what time frame, generally, or the
6 '90s, or this decade?

7 A. Probably the '90s, but -- or 2000s. We're in
8 the 2000s, yes.

9 Q. Okay. All right. So there's a couple of
10 issues that I just kind of want to go back and fill in
11 on the training.

12 A. Yes.

13 Q. So let's start with the training real quick.
14 Let me tick through a few things and make sure we've
15 covered these. You have a video on a Web site --

16 A. Correct.

17 Q. -- that ideally every election worker should
18 have watched.

19 A. Correct.

20 Q. Okay. Was there any kind of written training
21 material that every election worker would get?

22 A. Yes. In fact, at the break, Sonya reminded me
23 that every one of our clerks is given written materials,
24 and they also had to sign that they had read the written
25 materials.

1 So not only did every judge get the
2 personal training, but each clerk was supposed to have
3 signed the information about photo ID at the polls where
4 they worked. So every clerk had that information.

5 Q. On the training portion of it, what kind of
6 assistance, if any, did you get from the secretary of
7 State's office?

8 A. They provided the -- they provided videos
9 themselves. They provided, you know, tons of
10 information on the how-tos, you know. We just tried to
11 make the same information to pass through in friendlier,
12 more fun ways, so they would pay attention.

13 Q. Okay. So the video you use on your Web site,
14 did you produce that, or was it from the secretary of
15 state?

16 A. No, I think actually we produced it ourselves,
17 here.

18 Q. Okay.

19 A. But it's got the same content as what they
20 had.

21 Q. So it's something the county would have spent
22 money on?

23 A. Well, we had IT guys that took the cameras we
24 already had here.

25 Q. Okay.

1 A. We did the videos out at the warehouse, or
2 around the office, so, you know, we didn't hire anybody.

3 Q. Okay.

4 A. It wasn't like it was any additional cost.

5 Q. So why not use the video that the secretary of
6 state provided?

7 A. I think ours is more --

8 Q. More better?

9 A. More better.

10 Q. Okay. Did you have any information
11 technology, like computers that you had to acquire to
12 implement S.B. 14?

13 A. No, not the specific -- nothing that we
14 weren't already using.

15 Q. Was there anything else involved in the
16 training of workers on S.B. 14 that your office did that
17 we haven't talked about?

18 A. There probably is because, like I said, I
19 don't know every detail of all the how-to training.

20 Q. Okay.

21 A. I've gone to, you know, several of them, but I
22 know the -- when we get new clerks in, that they
23 actually get, you know, e-slate-type training on the
24 mechanics.

25 And I know at each of those mechanic

1 training there's also -- because of photo ID they
2 incorporate into those training some of the photo ID
3 hotspots, let's say, into that training also. Because
4 our goal was to make sure all of our collection clerks,
5 all of our judges knew how to implement and deal with
6 photo ID as much as possible.

7 Q. And so it sounds like you also had some
8 seminars where these folks could show up.

9 A. Yeah. We called them election law training
10 classes that we have around the county at different
11 campus.

12 Q. Were those mandatory for election workers, or
13 voluntary?

14 A. They're mandatory for the judges and the
15 alternate judges, and the -- you know, open to the --
16 all the clerks.

17 Q. Okay. One of the things that is in Senate
18 Bill 14 is a "substantially similar" requirement in
19 terms of comparing the voter registration --

20 A. Right.

21 Q. -- to the S.B. 14-approved ID. You know what
22 I'm talking about?

23 A. Yes.

24 Q. Okay. Is the "substantially similar"
25 requirement something that your office trained on as

1 well?

2 A. Yes, yes.

3 Q. Okay. In your experience in going around to
4 polling locations while voting is going on, the people
5 who are at the desk receiving voters, looking at the ID,
6 comparing it to the registration, are those typically
7 election clerks, or election judges, or alternate
8 judges, or all three?

9 A. It depends on what you're talking about. Are
10 you talking about early voting, or are you talking about
11 election day?

12 Q. Well, let's take early voting, first.

13 A. Okay.

14 Q. What's the situation in early voting?

15 A. In early voting we have electronic poll votes
16 that the judge or the clerk that's assigned that's
17 trained on how to use the actual training poll book,
18 they will actually look someone up, and it will bring
19 back the best match.

20 In our early voting now, we will -- it
21 will bring back the match and also will have the matched
22 DPS name in our early voting laptops that we use.

23 And we actually use it in the runoff for
24 election day, too. And we actually print now the label
25 that has the voter's name and the pre-matched DPS name

1 on the label.

2 So that if there is a match, which we've
3 done, you know, for a substantial portion of the voters
4 in Harris County, we have already pre-matched them, they
5 already have the name there printed.

6 As long as there's a match, it will
7 already tell them, there's nothing the voter needs to
8 do. If it's the similar name we matched, they've just
9 got to initial "similar name."

10 Q. All right. So you've said a lot there I want
11 to make sure I understand. You have these early voting
12 laptops, I think you called them.

13 A. Correct.

14 Q. They are available at every early voting
15 location.

16 A. Correct.

17 Q. And did I hear you say you use those laptops
18 during the runoff as well?

19 A. We use those in some locations in the runoff
20 on election day.

21 Q. Okay.

22 A. We use them -- all the other times, all the
23 other elections, we had the paper on election day. And
24 the paper, we did the same thing, we printed the
25 matching DPS name on the hard matches, was already

1 pre-printed in the book.

2 So that all the voter would have to do
3 was initial "I am the same person," and then it was also
4 the option of "update my voter registration box."

5 Q. All right.

6 A. They would do that.

7 Q. So let me back up and make sure we make sense
8 of this for our record. First, your office actually
9 went and crossed the DPS database with the Harris County
10 voter registration base --

11 A. Yes.

12 Q. -- and tried to pre-match IDs to individual
13 voters; is that right?

14 A. Yes, and that took care of most similar names.

15 Q. Okay.

16 A. Because most people we had enough data points
17 that we could match. And we would only call it a match
18 if it was a hard match.

19 Q. And I'll come back to the hard and soft.

20 A. Right.

21 Q. And how you got to that.

22 A. Right.

23 Q. Now I just want to understand the mechanics of
24 it.

25 A. Right.

1 Q. So in your office, in the main Harris County
2 attorney's office -- Harris County clerk's office --

3 A. Yes.

4 Q. -- made a match and made an initial
5 determination of whether there was a match between ID
6 and registrants; is that right?

7 A. Yes. So clerks wouldn't have to think on
8 those issues.

9 Q. All right. And you did that all the way back
10 to the first election under S.B. 14?

11 A. No, we did not have -- in early voting, we did
12 not have that at the earliest elections. We just have
13 it now. We did it just recently on early voting.

14 Q. Okay. So you implemented this for the first
15 time on early voting for the primary in 2014?

16 A. The primary runoff.

17 Q. For the primary runoff?

18 A. Yes.

19 Q. So is it fair to say that the system that
20 we're going through and describing now has only been
21 used in one election in Harris County so far?

22 A. Yes. Where we print the actual matched name
23 during early voting.

24 Q. When did you first in your office start doing
25 a preliminary match and providing it to election workers

1 in any form?

2 A. We did that for the November 5th election, but
3 we only had it on the election day in the printed paper
4 poll books. We didn't have the electronic system
5 updated to handle the matched name ID.

6 Q. So if we focus on the November election during
7 the early voting period in the November 2013 election --

8 A. Yes.

9 Q. -- poll workers did not have this pre-match
10 run by your office?

11 A. Correct. They were actually having to do the
12 matching. But the computer, when they would look
13 someone up, they would be at the end of the potential
14 people that would match. I mean, while a hard match is
15 just this is the one, we're 99.99 percent sure this is
16 the one.

17 While you might have two or three listed,
18 for the worker then would have to use their knowledge to
19 say, "Oh, it's this one or not."

20 Q. Okay.

21 A. They would ask the voter, "Are you this
22 person?"

23 Q. But starting in the general election, in
24 November of 2013, your office provided in paper form a
25 pre-match; is that right?

1 A. For the poll books on election day, yes.

2 Q. Okay. And what did you do on this subject in
3 the 2014 primary election in March?

4 A. It's the same. It was the same.

5 Q. It was in paper?

6 A. It was the same. The early voting was the
7 electronic, where the early voting clerks had to do the
8 matching on similar names themselves. Just like it was
9 in November.

10 Q. Okay.

11 A. And then the paper on election day both times
12 was pre-matched.

13 Q. I see, okay. And then when it came time for
14 the runoff in 2014, what did you do?

15 A. That's when we had implemented the match.

16 Q. Okay.

17 A. And it might have only been on election day.
18 I really forget. I mean, I can ask her if we had it in
19 early voting or it.

20 Q. Well, let's find this out, if you don't mind.

21 A. Did we have that in early voting, too? We
22 did, didn't we?

23 MS. ASTON: I believe we did, yes.

24 A. For the runoff, yes, yes, we did. We would
25 have.

1 Q. (By Mr. Dunn) So you had it for -- your best
2 recollection is you had it for early voting and on
3 election day --

4 A. For the runoff --

5 Q. -- in 2014?

6 A. Yes, when we used the electronic poll books.

7 Q. Yes. We have to do a better job of not
8 talking over one another. All right? And I'm doing as
9 bad a job as you.

10 A. All right.

11 Q. So just to make sure that's clear in our
12 record, in the primary runoff election in 2014, both in
13 early voting and election day, there was a pre-match
14 performed by your office and provided to the workers; is
15 that right?

16 A. Restate that, please.

17 Q. In the primary runoff in 2014 --

18 A. Yes.

19 Q. -- there was a pre-match --

20 A. Yes.

21 Q. -- that your office performed and provided to
22 election workers both for early vote and election?

23 A. Correct, yes.

24 Q. Was that all done by laptop, or were any of
25 those in paper?

1 A. On election day, some of it was paper and some
2 was by laptop.

3 Q. Okay.

4 A. We have a lot less polling locations, we have
5 a limited number of electronic poll books. We couldn't
6 support a normal election day. There's lot of
7 consolidation in the runoff, so we couldn't support half
8 of it.

9 Q. And when you say electronic poll books, is
10 that the same thing as this laptop you mentioned
11 earlier?

12 A. Yes.

13 Q. Did you acquire any of these laptops for this
14 purpose?

15 A. No, we've had them for years.

16 Q. So this match process that you've been
17 describing, there was no fiscal impact, as far as you
18 know, for the county?

19 A. We had our vendor implement it in their
20 product, but under the normal service maintenance
21 agreement that we have with them. Generally, no
22 additional cost.

23 Q. So let me back up. You know, you said that
24 when the first voting started under S.B. 14, you didn't
25 yet have the pre-matched, election workers had to make

1 the decision in the field; is that right?

2 A. In early voting.

3 Q. In early voting?

4 A. Yes.

5 Q. So why didn't you have it? You hadn't thought
6 of it yet?

7 A. We didn't have time. The vendor couldn't get
8 it. They couldn't get it done in the time frame we
9 wanted them to.

10 Because as soon as we -- now, you know,
11 when we came up with the concept of doing it, you know,
12 by the time we got to them to try to get it done, they
13 just couldn't pull it off.

14 Q. What's the name of this vendor?

15 A. It's VoTech Corporation.

16 Q. And so from your standpoint, it wasn't like
17 something came up during that initial early voting
18 period where the election workers were doing it on their
19 own, that made you want to implement the system --

20 A. No, no, we wanted to do it initially.

21 Q. Okay.

22 A. They just -- they couldn't get it done in a
23 time frame that we wanted them to get it done in.

24 Q. Now, this process of pre-matching and sending
25 to the election workers, do you know if any other county

1 does that?

2 A. I know pre-matching, Dallas County did it for
3 purposes of mailing. I don't know if they've been doing
4 more than that.

5 Q. Okay.

6 A. I don't know if any other counties are doing
7 this.

8 Q. Okay.

9 A. I think -- I think just in passing VoTech said
10 that Dallas was interested. I don't know where they are
11 at on that.

12 Q. You didn't have to pay, you, as Harris County,
13 didn't have to pay VoTech anything extra to do that?

14 A. No, it was under our normal maintenance
15 agreement.

16 Q. Okay. For the voter roll?

17 A. Well --

18 Q. Why does the county -- let me back up. Why
19 does the county have an agreement with VoTech, to begin
20 with?

21 A. They are our database that we use our -- for
22 the voter reg uses it. They have their own server, and
23 then we use it also in -- we have a server on my side of
24 the house in the county clerk's office where we run the
25 elections out of.

1 The election programming is done on that
2 product. That's where we copy the voter roll from the
3 voter registrar also.

4 Q. So where did this idea come from to do the
5 pre-match?

6 A. I think they came from my office.

7 Q. Okay. And, I mean, can you -- are you able to
8 identify the person who had this idea?

9 A. Maybe me, I think, if I was going to guess.

10 Q. All right.

11 A. Probably, I think. But I'm not positive of
12 that.

13 Q. Okay.

14 A. I'm a technical guy, okay? Engineers do these
15 kind of things.

16 Q. So at any point did you express to the
17 secretary of state's office either, A, you had this
18 idea, or B, you were going to do it?

19 A. Yes. We had to get clearance on the forms
20 because we modified the forms, to accept the label to do
21 it this way. So any time they change any form, they
22 have to review and approve.

23 Q. "They" being the Texas Secretary of State?

24 A. Yes.

25 Q. Who was it over there that you would deal with

1 on those issues?

2 A. On forms, I'm not positive, but Keith Ingram
3 is the one who was involved in this process. But
4 somebody in his legal department, I think, does the
5 forms. Ashley maybe. I don't know.

6 Q. But if you call the secretary of state's
7 office to talk about S.B. 14 implementation, is it Keith
8 Ingram you contact?

9 A. Usually Sonya does most of the contacting.

10 Q. Okay.

11 A. But, you know, I see Keith, you know, at
12 conferences and whatnot, and I'll see him --
13 occasionally, I'll contact him. Not very often.

14 Q. So back to this pre-match process, as I
15 understand it, the pre-match is a comparison of the
16 Harris County voter registration database to the Harris
17 County portion of the state driver's license database.

18 A. Correct.

19 Q. Okay. And I assume because it's not available
20 to you, there is no similar match done, say, to the
21 passport database --

22 A. Yes.

23 Q. -- or the concealed handgun database, or any
24 of these others?

25 A. Correct.

1 Q. So if a voter presents themselves at a polling
2 location, and let's say they have been pre-matched to
3 their driver's license, but they present their passport
4 or their concealed handgun license --

5 A. Correct.

6 Q. -- are they still going to be allowed to vote?

7 A. Of course.

8 Q. Okay. Just because you're pre-matched in the
9 software doesn't mean you're now going to be restricted
10 to using that ID?

11 A. Correct, yeah.

12 Q. On the same token, just because you're
13 pre-matched doesn't mean if a voter shows up and they
14 have forgotten ID at home that it's going to be forgiven
15 because they've already been matched; right?

16 A. Right.

17 Q. They are not going to be allowed to do that?

18 A. They have to have a photo ID, yes.

19 Q. All right. Now, you mentioned the issue of
20 hard and soft matches.

21 A. Correct.

22 Q. And who came up with what is a hard and soft
23 match, as far as your office is concerned?

24 A. Me, and my IT team.

25 Q. Okay.

1 A. We kind of -- multiple criteria. You've got
2 Social Security numbers, for some people, the last four
3 digits in the voter registration database. You have
4 driver's license number, about half the people. You
5 have addresses, you have first names, you have last
6 names.

7 So what you look at is preponderance of
8 the data. You don't have to have the same last name for
9 me to get a match on you if you've gotten married.

10 Q. Okay.

11 A. Because I have got enough data points there
12 that I can say that's you.

13 Q. All right.

14 A. But then you get down to the soft matches are
15 the ones that say, "I can't say that's you or that's
16 you," so that to me is a soft match when it's your --
17 when it's more than one person that is a potential
18 match, then that's not a match for me.

19 Q. So in the first early voting period, in the
20 November 2013 election, when you were leaving it to poll
21 workers because you didn't have the pre-match system in
22 place yet --

23 A. Right.

24 Q. -- did you do a training on what was a hard
25 match and soft match and what was acceptable?

1 A. We did training on similar names.

2 Q. Okay.

3 A. On what's -- in fact, I think we have a video
4 on similar names. We, you know -- and we -- because the
5 clerks that run early voting are actually our temporary
6 employees of the county clerk's office, they have been
7 there longer, they know how to use things, we can give
8 them better training, they are more of our A-team on
9 running our polls.

10 So they were able to -- we showed them
11 what similar name required and the criteria to go
12 through it. And the end result is I don't know anybody
13 that didn't get to vote because it was a similar name
14 issue in Harris County.

15 Q. All right. So when you were doing that early
16 vote period in 2013, you didn't -- you didn't use the
17 sort of hard match/soft match matrix of using multiple
18 data points, instead it was just comparing names?

19 A. The clerk is looking at the names, they are
20 looking up the person.

21 Q. Right.

22 A. Remember, the first thing when they swipe the
23 electronic system is going to do is try to match the
24 driver's license. If there is a driver's license name,
25 they will present the names that will match the driver's

1 license, it will always be one person. So it makes it
2 easy right there.

3 But otherwise, it's going to start
4 looking at the -- if there's not a DPS ID in the voter
5 registration database, it's going to start looking at
6 address, last name type things, and present, you know, a
7 potential match to the clerk there.

8 So it makes it a short list. The clerk
9 can always ask -- if the addresses match, it's a pretty
10 easy match for the clerk then because they are presented
11 with a short list. Or then they can always ask the
12 voter, "Are you this person or this person?"

13 Q. So what if the person comes in with a
14 passport?

15 A. Same, same way. They are looking up by last
16 name. Usually they will just do a name search.

17 Q. And when they are looking up -- are they
18 looking up in the voter registration file, or the DPS
19 file?

20 A. The voter registration file was all that we
21 had at that time. You can't even look up the straight
22 DPS on our system, I don't think. Other than when you
23 swipe, it does the automatic match.

24 Q. Okay.

25 A. Otherwise, you're actually going to put in

1 name or address, you can put any pieces of fields. You
2 can put in, you know, first three letters of a last
3 name, or first letter of a first name, to actually help
4 you bring up a list, get enough information to get a
5 short list --

6 Q. Sure.

7 A. -- is the whole goal of the clerk running the
8 electronic poll book.

9 Q. So if you came in with your driver's license
10 with the magnetic strip that the number won't scan, can
11 they type in the number and get the same deal, or the
12 same sort of short list that you described?

13 A. You know. You might be able to. I'm not
14 positive. Can they? Yes, yes, that's true.

15 Q. All right. But in that early voting period in
16 2013, there was a comparison of similar names performed
17 by the election worker --

18 A. Yes.

19 Q. -- on a case-by-case basis; is that right?

20 A. Yes, yes.

21 Q. And then starting in the November 2013
22 election day, and as you've described in elections
23 since, there is a more detailed, as I would describe it,
24 metric use where you use multiple data points to
25 determine whether people are the same?

1 A. Yes, right.

2 Q. Now, are you aware of whether any election
3 workers, whether by training or by confusion, have
4 looked at an entry when somebody came in, and there
5 wasn't an automatic match as discovered by your office,
6 and just assumed that they needed to be rejected, even
7 when they did have an ID?

8 A. If they have confusion, they call downtown,
9 and we're able to look them up.

10 Q. Okay.

11 A. I don't know of anybody who had their vote,
12 even provisionally, that brought in a photo ID that was
13 not allowed to vote. The end result is --

14 Q. A full ballot?

15 A. Yes, got a full ballot, if they got a photo
16 ID. I think we were able to match everybody up on a
17 similar name, to the best of my knowledge.

18 Q. And do you know if other counties have had
19 similar success?

20 A. No, I don't, not too much, no.

21 Q. This hard match/soft match matrix, do you have
22 that reflected in, you know, whether it's a software
23 code, or if A and B, then hard match, if C and D, soft
24 match, that sort of thing?

25 A. It's a series of queries. You run a query on

1 the database, first this way, then you exclude all those
2 people, and then you run ones that are left. So it's --
3 makes it easier as the pile gets smaller, the one you
4 unmatched, you're only looking at the unmatched ones.

5 Q. I assume you would be able to provide us this
6 query.

7 A. Yes, the series of queries that we used, yes.

8 Q. Okay. Did you at any time take your -- I'm
9 just going to call it a query because I don't know what
10 else to refer to it as.

11 A. Yeah, right.

12 Q. Did you at any time take the query and run it
13 by the secretary of state's office?

14 A. I don't know that we did. I don't know if we
15 did.

16 Q. I'm just trying to find out, you know, who, in
17 addition to you, helped develop that query system.

18 A. It's just -- it's basically logic. I mean,
19 what engineers do.

20 Q. Okay. All right. So the answer is outside of
21 your office, you're not aware of anybody else having a
22 hand in doing that?

23 A. No, no idea.

24 Q. Okay. On the election workers that you
25 utilized, I think you mentioned earlier that the

1 election judges are principally responsible for locating
2 their election workers. Is that right? Did I hear that
3 right?

4 A. Yes. The election judges, yes.

5 Q. And are there any sort of minimum requirements
6 to qualify as an election worker?

7 A. Registered voter, I believe.

8 Q. Okay.

9 A. And over 18 -- well, no. Over 16 now. Recent
10 law change.

11 Q. And so is it -- is there -- you know, I
12 understand I can hire a paralegal in my office, they've
13 got to be 18, a legal citizen to vote, those minimum
14 requirement, but there's other things I'm looking for
15 when I hire somebody.

16 So I'm trying to find out: Do you have
17 some kind of matrix in your office so something that you
18 train election judges to look for in an election worker?

19 A. We probably have guidelines. I'd have to ask,
20 on -- you know, ideally they can read.

21 Q. Okay.

22 A. But someone -- well, unless they are a
23 translator, they can speak English. Even our
24 translators we ask that they be bilingual so they can
25 also work as a clerk because they have to be able to

1 read and, you know, help -- be able to read the
2 instructions themselves to help the clerk.

3 Q. Let me come at it from a different angle. So
4 when an election judge locates election workers to work
5 in her precinct, is it pretty much up to her discretion
6 who she hires, subject to them being a lawful citizen
7 and meeting the legal requirements for the position?

8 A. Pretty much, yeah. I mean, we -- I think we
9 do tell them, you know, we have a list of our
10 instructions that, you know, guidelines, but no hard
11 laws. The only laws are what's in the -- what's in the
12 statutes.

13 Q. I didn't know if there was a situation, for
14 example, where an election judge would identify a few
15 election workers that they thought were good candidates,
16 and then those candidates would have to be vetted by
17 somebody in your office to make sure they were.

18 A. No.

19 Q. So it's up to the election judge essentially,
20 in compliance with the applicable law.

21 A. Yeah, whatever the law is, yes, right.

22 Q. All right. Is there any kind of testing or
23 analysis of the degree to which training has been
24 successful in an election worker?

25 A. We do track complaints and other things, so we

1 feedback to the parties on people who just don't get it.

2 There's always a few.

3 There's always -- always, for some
4 reasons, as large a region as we are, that have hygiene
5 issues, to, you know, talk to the person, see if we can
6 resolve this, or if they don't, to not resubmit them as
7 a worker.

8 Q. Other than that, though, there's no sort of,
9 like, quiz or test they're given to make sure they
10 understand some basic issues?

11 A. Like I said, we have them for photo ID, this
12 last time, we had them sign, you know, acknowledge that
13 they understood certain things about photo ID. But
14 generally, there is not a test for the workers.

15 Like I said, if there's issues during
16 training, that we see the person just really isn't able
17 to do the job, we refer back to the parties, let them
18 know, "Hey, this is not a good candidate."

19 Or after the fact, you know, if there are
20 issues at the polls related to a person, then we will
21 feed it back to a party.

22 Sometimes it can be resolved, you know, a
23 personality issue we can just have them work at a
24 different location in the future. But we work closely
25 with the parties to make sure our polls are equipped.

1 Oh, yes, there is testing. When they do
2 e-slate training, they are tested on the results of
3 the -- can they, you know, how to hook things together,
4 how to assemble the voting machines, how to, you know,
5 select the ballot style for the voter.

6 In other words, how to run the machine.
7 There is some testing that let's us know whether they
8 need training or not. Or like I said, recommendation
9 back to the parties that this person is not the best
10 candidate.

11 Q. Okay. So -- but there is no testing about,
12 you know, for example, here is a list of 14 IDs, which
13 of these are acceptable under Senate Bill 14, and then
14 election workers are expected to do it?

15 A. They're presented with a list that they have
16 right there with them at the polls of acceptable IDs,
17 they are shown those. They have the video training that
18 every one of them was supposed to watch this last time
19 on acceptable photo IDs, that are acceptable.

20 So they should have fairly good knowledge
21 and testing on -- not testing, but pretty well
22 information presented to them if they have actually paid
23 any attention to what the acceptable photo IDs are.

24 Q. Okay. But they don't have an exam that they
25 have to take before they are approved for work?

1 A. No, I don't think there's a multiple choice.

2 Q. All right. On the substantially similar
3 issues, I have a few examples here I want to ask you and
4 see how it would come out in your match. Okay?

5 A. Okay.

6 MR. DUNN: I don't have extra copies of
7 them. There are four or five of them here. Do you want
8 to make a copy? Does it matter?

9 MR. SCOTT: I'll come look.

10 MR. DUNN: Sure.

11 MR. SCOTT: Is that all right?

12 MR. DUNN: Sure. I guess I'll just mark
13 this set as Exhibit 1. Actually, I'm going to number
14 the pages. Here we go. I do actually have an extra set
15 for you. To save us some time, I took out a few
16 examples. There you go.

17 MR. SCOTT: Thank you.

18 (Stanart Deposition Exhibit No. 1 was
19 marked and is made a part of this deposition.)

20 Q. (By Mr. Dunn) All right. I've handed you
21 Exhibit 1 which contains six pages which I have now
22 numbered.

23 A. Uh-huh.

24 Q. So starting with Page 1, if you take a look at
25 this example, it gives you the information on a poll

1 book. And then it gives the information on the driver's
2 license that the voter would see.

3 You'll note in this example that the name
4 is different, both the first and last name are
5 different, the date of birth is the same.

6 A. Right.

7 Q. And addresses are different. Do you see that?

8 A. Uh-huh.

9 Q. Is that a "yes"?

10 A. Yes. I see that, yes.

11 Q. Okay. So would this be a match of any kind?

12 A. It depends. Because in our voter roll, we
13 have driver's license for about half the voters. We
14 have also last four digits of Social Security that we
15 have in the database.

16 Q. Let's assume this is all the information that
17 you have.

18 A. That's all the information that I have?

19 Q. Yes.

20 A. The only thing that's the same here is the
21 date of birth. I would think that would be insufficient
22 to say that's the same person.

23 Q. It would not be, or it would be? I just
24 didn't hear you.

25 A. It would be insufficient on here.

1 Q. Okay.

2 A. You would need more information than just
3 this.

4 Q. So from your viewpoint, this is a voter that
5 would either be rejected or given a provisional
6 affidavit?

7 A. The potentiality would be there, yes.

8 Q. Okay. Well, and I guess you use the word
9 "potential." And that's a good point. Does that mean
10 that some election workers may look at this and say, "I
11 think this is the same person, so I'm going to let them
12 vote," other election workers would say it's not?

13 A. There could be more -- if more information was
14 provided than just this, then the election worker might
15 accept. But with just this only, I would think that
16 they would ask this person to vote provisionally.

17 Q. Okay. But it's possible that an election
18 worker might not?

19 A. Like I said, I don't know of anybody that was
20 turned away from voting in our elections in Harris
21 County due to a similar name issue.

22 Q. Okay. And I appreciate that.

23 A. Yeah.

24 Q. You told me that.

25 A. Yeah.

1 Q. I thank you for that.

2 A. Yeah.

3 Q. But focusing on this example, is it possible
4 that if this person appeared in Harris County, for one
5 election worker they would be permitted to vote a full
6 ballot, and another election worker would give them a
7 provisional ballot, or reject it?

8 A. I would suspect if this was the only
9 information given, that they would be asked to vote
10 provisionally.

11 Q. Okay. If you could go with me to Page 2. On
12 Page 2, we have the same first name, a different last
13 name, female individual, at least if Elizabeth is a
14 female name. Date of birth is the same. And then the
15 address is different. Do you agree that's a summary of
16 the information on Page 2?

17 A. Correct.

18 Q. Okay. So what -- how would this person be
19 handled in a Harris County voting location, if that's
20 all the information you have for them?

21 A. Once again, I would think that is insufficient
22 to say it is the same person.

23 Q. Okay.

24 A. Once again, like I said, our database has more
25 information, and we likely would have -- if it is the

1 same person, we likely would have matched them.

2 Q. And do you recognize that -- again, focusing
3 on only the information.

4 A. Right.

5 Q. The only information you have, do you
6 recognize a different poll worker would come to a
7 different conclusion than you just came to?

8 A. That they would let them vote?

9 Q. Yes.

10 A. That's not how we trained them.

11 Q. Okay. So in your view, as long as your
12 training has been successful, a hundred out of a hundred
13 times this person presents themselves to different
14 people, they're going to get rejected from voting?

15 A. They're going to be allowed to vote
16 provisionally.

17 Q. Okay.

18 A. Every person gets to vote provisionally. And
19 so they have the opportunity then to provide, you know,
20 proof of that they are the matching -- same matching
21 person --

22 Q. Okay.

23 A. -- to the authorities. Yeah, to the
24 authorities, to be counted.

25 Q. Now, on Page 3, in this example, the U.S.

1 passport doesn't have an address on it.

2 A. Correct.

3 Q. Okay. So the passport has a date of birth and
4 a name, again, in this case a woman. And their poll
5 book has the same first name, different last name, same
6 date of birth. And, of course, the poll book also has
7 an address.

8 How would this person be dealt with by
9 one of your election workers who's properly responding
10 to their training?

11 A. My suspicion is that they might let them vote
12 if they asked if they still lived at such-and-such
13 address.

14 Q. Is that the correct judgment, in your view?

15 A. They would ask for more information, they
16 probably would ask, "Do you have something else other
17 than just the passport?"

18 Q. And assuming the voter says, "This is what I
19 got, this is all I have."

20 A. They would make a call downtown, they might
21 end up talking to Doug Ray here.

22 Q. Okay.

23 A. "Doug, what's your best opinion on this one?"
24 Because our goal is let everybody vote.

25 Q. Okay. Obviously, that's easy you could just

1 do that, but then you're not really complying with
2 S.B. 14.

3 A. No, I understand. They would probably end up
4 voting provisionally.

5 Q. If you were making the decision, that's your
6 judgment?

7 A. Yes, that would -- if that is all that's
8 there.

9 Q. Okay.

10 A. Then that's probably the right answer.

11 Q. All right. I've just got a few more of these.

12 A. Okay.

13 Q. Page 4 now.

14 A. All right.

15 Q. We have a Christopher Johnson, in the poll
16 book, it's Chris Johnson. In the driver's license
17 database, it could be a male or female, I assume.

18 A. Right.

19 Q. And the date of birth is different.

20 A. Right.

21 Q. But the address is the same.

22 A. Yeah, but the first part of the name is the
23 same, too. That's part of our criteria, we will look at
24 pieces of the name.

25 In fact, we will look at the pieces of

1 the name, first, middle, too, to help us identify
2 because that's very common that people go by a middle
3 name.

4 Q. Sure.

5 A. Or go by something different. But yes, that
6 would be a pretty obvious match. We would actually
7 have -- if there is not another obvious other Chris
8 Johnson at the same address -- wait a second. These are
9 different dates of birth.

10 That would -- that's probably a father
11 and a son. So we would probably -- what's going to
12 happen is more than likely is we're going to match it to
13 the right one, though.

14 Because you're going to be presenting me
15 with this here, but if there's another registered voter,
16 we're probably going to capture the right birthday date.
17 We would probably have pre-caught this because of the
18 birthday match.

19 Q. So your poll worker would look at it and say,
20 "This guy obviously wasn't born in 1911, so it must be
21 the other one"?

22 A. No, no. We would do a match -- the date of
23 births here are so far off, that this -- we would have
24 matched to the correct one with the correct birthday,
25 probably be pre-matched.

1 So our election worker wouldn't probably
2 have to do anything, in this example.

3 Q. So which one of these would you work off?

4 A. You wouldn't work with either one, because
5 that's not a match.

6 Q. Okay. But when the voter comes in --

7 A. The voter will more than likely -- Christopher
8 Senior here, okay, the one that's born in 1911, he's
9 going to be obviously that he's born in 1911. He's over
10 100 years old.

11 Q. Okay.

12 A. In fact, more than likely, this person is
13 voting by mail and not showing up.

14 Q. Or maybe even dead.

15 A. Or even dead, correct. Probably the younger
16 one, if -- this is a different person because of the
17 date of birth. One is a senior, one is a junior.

18 I would think that we would not have
19 pre-matched this. Then it would come down to the date
20 of birth would be the criteria that would say probably
21 don't -- you would vote provisionally if you would let
22 this person vote at all.

23 Q. All right. Well, we know the voter comes in
24 with an ID that has their picture on it.

25 A. Correct.

1 Q. That they are Chris Johnson born on
2 August 2nd, 1994.

3 A. Correct.

4 Q. And he says he was registered to vote.

5 A. Uh-huh.

6 Q. When you look it up in the database, though,
7 the only entry you see is this other Chris Johnson.

8 A. If that's the only one -- like I said, when we
9 do our matching, we'll look at all of them, and we're
10 going to try to match the one that they think matches.

11 Q. Okay.

12 A. We would not pre-match to the wrong one. So,
13 yes, in this case, to me that's a different date of
14 birth.

15 Q. So any time you see a different date of birth,
16 you would consider that a not match?

17 A. No. Here is what we would do, and our process
18 is we would call voter registration would get involved
19 in this, and they would actually pull up the
20 application, the actual image of the physical card, and
21 they would be able to look if that's the date on that
22 card.

23 Then the date that we have in our
24 database would be legit and, therefore, they would say
25 that's the same person.

1 Q. You're saying the poll worker would get
2 somebody on the phone and work this problem?

3 A. Yes, yes.

4 Q. In the meantime, there's a line backing up, I
5 would assume, because that's one worker --

6 A. No, we got more than -- early voting, we got
7 multiple workers. Like I said, we pre-matched on
8 election day.

9 And also on election day, if the worker
10 sees it's a different birth date, it's a different
11 person, it's a senior. So I would think that if they
12 are not able to get ahold of someone that could verify
13 the image, which more than likely that's what they would
14 do, they would probably make them vote provisionally.

15 Q. So there is this variable where the election
16 worker says, "I'm going to investigate this further," I
17 mean, some, as you've already recognized might say,
18 "Look, it's a different date of birth, it's a
19 provisional ballot," that's the end of the query, would
20 you agree?

21 A. If the voter complains, they would call the
22 office.

23 Q. Okay. So if a voter would get angry or maybe
24 push back, then you would expect the voter to contact
25 your office, and as you suggest, maybe the tax office

1 would pull up the original voter registration card --

2 A. Right.

3 Q. -- and see if maybe this date of birth on the
4 poll book it was entered incorrectly?

5 A. Incorrectly entered in the databases, yes.

6 Q. And through that process, who would be the
7 decision-maker? Once the decision was made to call the
8 county office on this voter, now who is going to decide
9 whether they get to vote a full ballot?

10 A. When the voter reg tells them it's a typo in
11 the database, they go ahead and let them vote a regular
12 ballot.

13 Q. Would your office be involved in this call at
14 all, other than the election worker works for you?

15 A. I don't think so. At this point in time, no.

16 Q. Okay.

17 A. We have a good working relationship on
18 election day with them. They have their phone bank down
19 there, and that's how they're -- we're going to the
20 source for these kind of informations, so we let them be
21 the authority on looking back at the regs.

22 And that's the best thing, go back and
23 look at the original image of the voter registration
24 base, make sure there wasn't a typo in the database so
25 the issue can be resolved.

1 And if it was a typo, then the voter
2 would vote regularly. If it's different, then the voter
3 can only vote provisionally.

4 Q. All right.

5 A. For all purposes, it's a different person.

6 Q. Now, if you go with me to No. 5, this person
7 shows up with a military ID. So he didn't have a date
8 of birth or an address on it.

9 A. Right.

10 Q. It's just got their name. But they are in the
11 poll book.

12 A. Right.

13 Q. They have a date of birth there.

14 A. Right.

15 Q. A date of an address. Is this person going to
16 be allowed to vote?

17 A. To my knowledge, everybody who came with a
18 military ID that had a matching name, they accepted them
19 to vote.

20 Q. So somebody uses a military ID because it has
21 less data on it, just naturally has a better chance of
22 getting accepted to vote than somebody who brings in,
23 say, a driver's license which has an address and date of
24 birth that might not match, would you agree?

25 A. No, because nobody was denied the vote

1 because -- that I know of, in Harris County, because of
2 an ID issue.

3 Q. All right. I keep hearing you say that.

4 A. Yeah.

5 Q. I don't have any reason to disagree with that.

6 A. Yeah.

7 Q. Instead, I'm going about a very specific
8 situation, and all I'm asking you is: Since a military
9 ID doesn't have a address and date of birth, it's going
10 to necessarily be easier to vote and get a match with
11 than a driver's license which has a date of birth and an
12 address.

13 MR. SCOTT: Objection; form.

14 Q. (By Mr. Dunn) Or do you know?

15 A. My suspicion is, once again, the clerk would
16 probably ask for more information if they have it, if
17 the voter has it. If they didn't, more than likely,
18 yes, they would be allowed to vote.

19 Q. All right. And if the clerk did ask the
20 citizen for more information, at that point they would
21 just be taking the citizen's word for it; right?

22 In other words, if they said,
23 "Ms. Johnson, what's your date of birth: And she says,
24 "November 4, 1994," then you could say that's a good
25 match?

1 A. Usually a voter would pull out a photo ID or a
2 driver's license, something of that nature.

3 Q. Okay.

4 A. That's the practice.

5 Q. Usually.

6 A. Usually, I would not say exclusively, yes.

7 Q. And then the last example, No. 6, again this
8 is a --

9 A. That would be a hard one, yes. I would think
10 with that information, that information only, and that's
11 all the voter had, it would be difficult to allow that
12 person to vote, other than provisionally.

13 Q. Okay. Again, we're on Page 6 of Exhibit 1.
14 Here it's Elizabeth Smith in the poll book. There's a
15 date of birth, there's an address, but she presents a
16 military ID that only has a name on it and it's
17 Elizabeth Johnson.

18 A. Yes. Without her providing more information,
19 I would suspect the clerk would ask her to vote
20 provisionally. But, here again, I don't know of anyone
21 in Harris County that went down this path.

22 Q. Okay. Has your office at any point compiled a
23 list of nicknames?

24 A. I don't think -- I don't think we did any
25 matching with nicknames. Other than like I said,

1 looking at middle names as a possible match to a first
2 name, we did that kind of stuff. But not necessarily a
3 Richard/William type nickname list.

4 Q. How about any investigation of Hispanic
5 nicknames and Hispanic names that match other similar
6 names?

7 A. I don't believe not in our matching that we
8 did, I don't think we did any of that.

9 Q. Okay.

10 A. I think now for statistics basis, maybe some
11 of the people have done that, but not for actual
12 voting-type issues.

13 Q. So, you know, I consider myself 99.9 percent
14 ignorant in being able to match Hispanic names with
15 Hispanic nicknames, but I am told that Kiko and Nacho
16 are nicknames or full names that people use for other
17 names.

18 A. Right.

19 Q. So when you perform your hard and soft match
20 that you provide to the poll workers, how do you make
21 sure, if at all, that you're catching those?

22 A. We didn't.

23 Q. Okay.

24 A. I mean, that's -- I can't make that
25 assumption, so that would not -- that's -- if I don't

1 have enough other data points that would help me match,
2 that would not be a criteria to match, the nicknames
3 stuff.

4 Q. Would it be the same, say, for example, for
5 Chuck and Charles?

6 A. Like I said, if we look at the three, maybe
7 first three letters, but you're going to look at other
8 data points, too.

9 Q. Okay.

10 A. We don't go -- we didn't go down the path of
11 nicknames. I imagine you could probably match some
12 people on that, but that's work.

13 Q. Okay.

14 A. I mean, to me that's not as straightforward,
15 so we left that into those that aren't our hard match,
16 we will give that on discretion of the election worker.

17 Remember, we've got Spanish translators
18 at just about the majority of our posts, too, so they
19 would know that information, so they could use their
20 knowledge to help identify a similar name if we did not
21 have it hard matched on all the other data elements.

22 Q. You said something there I want to make sure I
23 understand. Is it the case when you did the query
24 electronically, you would just match the first three
25 characters, is that what I head you say?

1 A. Sometimes, along with other data points.

2 Q. Okay.

3 A. Like I said, I can show you the breakdown of
4 how we would match.

5 Q. So sometimes in your query that you would run,
6 you would be looking for a full match on the name, and
7 sometimes you would say, "Well, if we had the first
8 three letters of a name or each name," and then this
9 other factor was the same, we would consider that a
10 match; is that right?

11 A. I would have to go back and look at the
12 specifics.

13 Q. All this would be in the query you ran?

14 A. Yes. Like I said, if it's not -- we had more
15 criteria we did we found that wasn't perfect. Like I
16 said, if I couldn't get a 99.99 percent match, I didn't
17 want to use it.

18 Even though there was a lot of what I
19 call close matches or, you know, suspected matches,
20 there wasn't enough data points there for us to say,
21 yeah, that's the same person.

22 Q. All right. So when you have a close match, as
23 you just described it, in that case you give that person
24 a provisional ballot?

25 A. No, I leave it up to the election judge at the

1 location to determine whether it's the similar name as
2 the same person.

3 Q. I see. So this pre-match that you're
4 performing is advisory?

5 A. Pretty much, so, yes.

6 Q. Okay.

7 A. We're pretty confident in the advice we're
8 giving them, but if they find out -- I haven't heard of
9 anywhere it's incorrect, okay?

10 Q. Okay.

11 A. Feedback, it was incorrect. But, of course,
12 the ones that we don't match, then it's up to the clerk
13 to determine if that person does show up, you know,
14 which one is the ones in the poll book is this person.
15 They are going to ask them, to some degree in their
16 judgment like they have always done. Some they know the
17 person, too.

18 Q. Right. So if they know the person and they
19 otherwise see something there on the ground --

20 A. Right.

21 Q. -- that is inconsistent with whatever maybe
22 match your office has performed, they are trained, go
23 with what you're seeing, use your judgment there in the
24 field?

25 A. Yes. A similar name would not work without

1 them being able to do that.

2 Q. Okay. You've mentioned several times that
3 there was nobody that was rejected for a name mismatch;
4 is that right?

5 A. To my knowledge, yes, yes.

6 Q. Okay. And so of those people that you
7 itemized for us earlier that had cast provisional
8 ballots related to ID, none of those were name
9 mismatches?

10 A. Yes. They came in with ID, they showed up
11 with no ID. Some of them forgot them at home, or
12 whatever.

13 Q. Okay.

14 A. They somehow got to the poll and it was
15 someone else, and had gotten it and decided, "Well, I'll
16 just go ahead and vote now provisionally." And after
17 the election results was seen, they probably didn't
18 bother to come cure it because it wouldn't have made any
19 difference.

20 Q. Did anybody tell you that that's what they
21 did, or that's just your belief?

22 A. That's just my belief.

23 Q. Okay.

24 A. Knowing that people do have IDs, that I would
25 be able to see, like two-thirds of them did, that didn't

1 present it, I looked at doing our matching, about
2 two-thirds of the people that you could say, well, they
3 do have them. So -- and I did hear the word out there
4 some people wanting to make a point, too. There's
5 always those that purposely didn't do it to make a
6 point.

7 Q. So you think some of these people came and
8 left their IDs at home just to --

9 A. Yeah. To make a point on ID. The numbers
10 were very small, but that's what they did.

11 Q. Did anybody tell you that that's what they
12 did?

13 A. Not directly, but I heard, yes.

14 Q. Some of these people could have been issued an
15 ID, they just don't have it any more, like they lost it,
16 it burned in a fire.

17 A. Yes. That's why they have the cure period to
18 go to DPS and take care of it.

19 Q. Have you had any complaints from citizens
20 about the photo ID requirement?

21 A. I'm sure there's some, yeah, there's some
22 small people that complain about it, yes. But not very
23 many. I mean, in the big picture, I thought the
24 election went well.

25 Q. Would you have people lodge these complaints

1 by phone, or mail, or e-mail, or all three?

2 A. I've got -- probably got a few e-mails and a
3 few by phone, but like I said, pretty small numbers.

4 Q. The ballot board, did the Harris County ballot
5 board refuse to tabulate professional ballots from
6 voters who didn't come and cure?

7 A. Not to my knowledge.

8 Q. So it's your belief that the cured ballots
9 were tabulated and included in the official results,
10 even if the citizen didn't come and cure?

11 A. Oh, no, no. I'm sorry, no, only the ones that
12 cured actually would be the ones that count. The ones
13 they did not cure, no, they did not get counted.

14 Q. Okay. Do you know what the cost is? And this
15 may be outside your wheelhouse, but do you know what the
16 cost is to get a marriage certificate in Harris County?

17 A. Seventy-two bucks, I believe.

18 Q. Seventy-two?

19 A. Yes.

20 Q. Okay.

21 A. Seventy-one or 72.

22 Q. Okay.

23 A. Make it 72.

24 Q. And I should have been more clear, not
25 somebody who is --

1 A. And you are saying a certificate or license,
2 okay, that's a license.

3 Q. Right.

4 A. Okay. You want a certificate. It seems like
5 it's 22, but don't hold me to that.

6 Q. Okay. Like I said, some of these things you
7 may not know anything about.

8 A. Since my office does that, I do know about it.

9 Q. Does your office, when you're doing a
10 pre-match during an election, the poll worker, have the
11 ability to look up marriage activity in any other
12 county?

13 A. No.

14 Q. In other words, if Elizabeth Johnson came in
15 and one of her records showed Elizabeth Shaw and she
16 said, "Well, I got married, and that's why it's
17 different," your office wouldn't have any way to figure
18 that out unless it happened in Harris County?

19 A. We do have -- I mean, we do have access to the
20 whole voter roll in the whole State of Texas and the
21 whole DPS for the whole State of Texas. So maybe we
22 could figure out some of that stuff, but that's not a
23 focus. That's not something we normally do.

24 Q. Okay. So in that example with Elizabeth
25 Johnson shows up with an ID says this and Elizabeth Shaw

1 is on the voter roll, without any other matching
2 documentation, you're not going to go look it up or
3 confirm her story that she, in fact, was married and
4 that's why her name is different?

5 A. Well, when we do our matching, though, the
6 last name changed can be an acceptable -- if the address
7 is the same and date of birth is the same, and
8 especially if I get a driver's license database that
9 matches, that's the same person.

10 Q. Right.

11 A. So we can look at -- we can accept -- if the
12 first name is the same, the middle name is the same, and
13 the last name is different, and the date of birth is the
14 same, the address is the same, that's the same person.
15 We're not worried about that.

16 Q. But they have a passport, for example, and you
17 don't have the data points.

18 A. If I don't have the other data points, I
19 pre-match that person -- remember, though, for the
20 clerk, though, it's already been matched to the DPS
21 name.

22 Hopefully, now at least they have a
23 driver's license and the voter registration is the same.
24 That would be -- if that name is printed as the DPS
25 match to that person, that's probably enough data points

1 for the clerk to accept that person as with the passport
2 for as the same person.

3 Q. If they have a passport but they don't have a
4 driver's license, and it was never issued to them --

5 A. Oh, okay. Well, then I couldn't do that, of
6 course. Got it.

7 Q. Then you'll just have Elizabeth Johnson on the
8 passport with a date of birth, Elizabeth Shaw with a
9 date of birth on the data roll, and an address.

10 A. Correct. That wouldn't be enough data points.

11 Q. They would be provided a provisional ballot?

12 A. Unless the voter provided some other
13 information that had an address on it for us.

14 Q. Oh, so could they bring their light bill?

15 A. They are not supposed to, but I would suspect
16 if they did, that might be something that you would
17 convince a clerk to do.

18 Even though the training says otherwise,
19 or they know the person, or something like that.

20 Q. Okay.

21 A. Yeah. The idea is to get as many people
22 voting as possible that should be voting.

23 Q. Do you know who in Harris County, you know,
24 what jurisdictions have the authority ability to issue
25 birth certificates?

1 A. My office does.

2 Q. I can go buy a birth certificate from the
3 Harris County Clerk?

4 A. Yes, we can get it for the whole State of
5 Texas, you know, a registered copy at my main office
6 here, or the nine branches around the county.

7 Q. Do you know what that costs?

8 A. I think it's around 22 bucks, but I'm not
9 positive.

10 Q. Do you know what other -- or even how many
11 other jurisdictions in the county are able to issue
12 birth certificates?

13 A. I think we're the only one.

14 Q. Okay. There has been some discussion in this
15 case about the cost of birth certificates being waived
16 for some set of circumstances. Are you familiar with
17 those requirements?

18 A. Vaguely. I think I've heard that, yes. Yes,
19 in fact, yeah, they waive most of the fees, I think, for
20 that.

21 In fact, I think all except for \$2 or
22 something is waived. And I didn't advertise this to the
23 public, but I did tell my staff, if that is an issue for
24 someone who wants one, I would personally pay that out
25 of my pocket. Don't advertise that to the world.

1 Q. Okay. So did your -- I understand you didn't
2 advertise that.

3 A. Yes.

4 Q. Okay. But did your office advertise that the
5 fees would be forgiven for birth certificates if
6 somebody couldn't afford one?

7 A. I don't recall that we did.

8 Q. Do you know whether your office ever did
9 actually forgive the fees?

10 A. I don't think we had anybody ask.

11 Q. Okay. I guess that's a good point.

12 A. Yeah.

13 Q. So if I walked into the Harris County Clerk's
14 office and everything is working according to the
15 training -- all right?

16 A. Yes.

17 Q. And I ask for an ID, am I told, if you can't
18 afford it --

19 A. Let me take that back.

20 Q. Okay.

21 A. I think it did happen. And I just don't know
22 how much it happened, but it seems like I remember the
23 discussion. That's why I came up with the discussion
24 about the extra \$2, and I said, "Well, if they make an
25 issue of that, I'll pay that."

1 But I just don't know how much it
2 happened. But yeah. Did we overly advertise it, I
3 don't think we did. But if it was an issue for the
4 person, then, of course, the waiver of the fee, I think,
5 would come into play.

6 Q. So if a person walks up to the desk and says,
7 "I want a birth certificate," they're going to be told,
8 "Okay, it's \$22," and they say, "Oh, okay, thanks
9 anyway," and leave.

10 A. Okay.

11 Q. Then they are not volunteered and told, "Oh,
12 wait a minute, if you can't afford one, we can pay it
13 for you"?

14 A. I don't know.

15 Q. Okay.

16 A. I don't know the answer. We would have to ask
17 the people that work in those departments. Whatever
18 guidance was given to them, from the state, is what they
19 followed, is my assumption.

20 Q. What is the name of the sub-unit of your
21 department?

22 A. Vital statistics.

23 Q. Vital statistics?

24 A. Or personal records, I guess. Personal
25 records department.

1 Q. Do you -- as the county clerk, you also
2 oversee the court records for the county courts at law
3 and the probate court; is that right?

4 A. Yes, county civil courts and probate courts.

5 Q. And there is a legal process by which somebody
6 can have their name changed. Are you generally familiar
7 with that?

8 A. Yes.

9 Q. Do you know if that can be filed in county
10 clerk, or district court, or either one?

11 A. I don't know.

12 Q. I don't either, so that's why I'm asking you.

13 A. I don't know.

14 Q. Okay. I've always seen them in district
15 court.

16 A. Yes, I think that's the only place I've seen
17 them, too.

18 Q. Okay. So you've never issued -- you don't
19 have access to the district court records, I assume?

20 A. No, I go to the Web portal like everybody else
21 does.

22 Q. Okay. Do you have a computer database that
23 will let you pull up, like, district court name change
24 records?

25 A. I know that the district clerk has a portal on

1 their Web site that let's people see some things. I
2 don't know how much it let's them see.

3 Q. Okay.

4 A. I've never personally done it. My staff might
5 use it, might not use it, I don't know.

6 Q. So if a voter were to report to vote at one of
7 your voter registration, and their ID doesn't match the
8 voter registration records, and they say, "I've got a
9 court order changing my name," what, if anything, is
10 required to let them vote a full ballot?

11 A. Hopefully, we've pre-matched that person so
12 that wouldn't be an issue for the clerks.

13 Q. Okay.

14 A. Here again, they can call downtown, and
15 potentially we can look that up ourselves. But like I
16 said, I don't know of anybody on a similar name issue
17 that was denied the right to vote in Harris County.

18 Q. So when somebody comes, and if they had a
19 certified copy of their record or their name change, is
20 that something that the poll worker is trained to
21 accept?

22 A. No, they are not trained to accept that, no.

23 Q. Okay.

24 A. Like I said, though, nobody, to my knowledge,
25 was refused so somehow or another --

1 Q. If that situation happened --

2 A. If that happened, they probably would have
3 gotten ahold of somebody in my office, figured out how
4 to verify that was the same person.

5 Q. And one of the tools that they might use is
6 this database --

7 A. Yes.

8 Q. -- with court activity?

9 A. Yeah.

10 Q. Similarly, that database could be used to
11 address somebody who had been convicted of a felony and
12 had their conviction discharged?

13 A. Correct. Yeah, we have access to the felony
14 database, and we have access to the -- to those kind
15 of -- I don't even know all the databases we have access
16 to. So we could probably have ways of getting to other
17 information.

18 Q. When you gave some assistance to the secretary
19 of state's office on locating the four mobile EIC
20 units --

21 A. Yes.

22 Q. -- did you -- how did you decide where would
23 be a good place to do that?

24 A. We pulled up their existing map of where we
25 had locations at right now.

1 Q. Okay.

2 A. And we looked at, you know, our best guess of
3 the general areas that we knew of facilities then that
4 would meet the criteria of probably the minorities that
5 we felt maybe would be potentially -- it's poor people
6 essentially that might be in a position of not having
7 IDs, we know of locations in this general area that
8 would be a good location.

9 Q. Would you go through -- for example, that
10 mailing you did of 90,000 people who didn't match, would
11 you plot that out by Zip code and look and say, "Okay,
12 there's a large cluster here," or was it basically there
13 is not an office here and it's a poor population?

14 A. You know, I don't recall. We might have
15 actually geocoded the voters and looked at a DOT map to
16 help us do that.

17 Q. I'm seeing Sonya shake her head.

18 A. I don't remember if we did. Did we? Yeah, we
19 did. The non-matches we geocoded on a map, and we
20 looked at -- you know, we don't have a perfect match on
21 geocoding.

22 Q. Sure.

23 A. Say we get 90 percent of the people on this
24 right, then we look at the existing locations and look
25 at the host, and look at where, you know, where is their

1 location that we know about that we could be -- a place
2 to use. So we used some intelligence behind it.

3 Q. Good. Is this geocode map in the documents
4 produced?

5 MS. ASTON: Probably.

6 A. I don't know. It might have one of those
7 created and thrown away at the time, though, too.

8 Q. (By Mr. Dunn) I didn't see it, but it's a lot
9 of stuff. I could have missed it.

10 A. I mean, we could have someone redo that. It's
11 probably in a Web shot, create, thrown away after use.

12 Q. I see. Okay. Did you attempt to analyze the
13 racial characteristics of the Zip codes --

14 A. No.

15 Q. -- that had a large number of non-matches?

16 A. No, no. It's just the ones that we don't
17 match.

18 Q. All right. Now, I want to talk about the
19 disability exemption. Do you know of anybody in Harris
20 County in these past elections where S.B. 14 has been in
21 effect obtained a disability exemption?

22 A. I believe there was a few, at least one, two,
23 something. The tax office would have a better idea of
24 that than I would, but I would believe there was.

25 Q. Okay.

1 A. I don't know the exact number. Very small.

2 Q. Did you -- when S.B. 14 was being crafted, did
3 you have any input in the bill?

4 A. No, not really. I mean, other than mechanics.
5 That's a good -- don't do that because it might break.
6 But, you know, there was always -- I mean, we get asked
7 things because we're so large.

8 Q. Who was it that you consulted with on the bill
9 in the legislature?

10 A. I don't recall. I mean, it was usually the --
11 information from maybe the secretary of state, don't
12 break this. But it wasn't -- we weren't very involved
13 in it, let's put it that way.

14 Q. Okay. And I guess that's what I'm trying to
15 find out --

16 A. Yeah.

17 Q. You know, if you were on the -- I believe one
18 of the sponsors, for example, was
19 Representative Harless, a Houston state representative.

20 A. Yes, yes.

21 Q. You were on the phone with her in her office.
22 Or Senator Fraser.

23 A. Very little on the phone. Even though she was
24 my state rep, I was on there very little, very little
25 discussions with her.

1 Q. Okay. Any of them that you can recall?

2 A. Discussions? I mean, I had very little
3 discussions with her in terms of that.

4 Q. Is there any conversation you can recall with
5 a legislative staff or legislative member about any part
6 of S.B. 14?

7 A. None that come to mind.

8 Q. I didn't hear you.

9 A. Nothing is coming to mind.

10 Q. Okay. All right. And have you done -- do you
11 do any post-election surveys or maybe seminars where you
12 bring in a number of election workers and talk about how
13 things went?

14 A. We will do -- we did with the parties, we did
15 a post-election, we've had occasionally, and I think
16 here recently we did one with the parties.

17 Q. Political parties?

18 A. Yeah.

19 Q. Okay.

20 A. Because they are the ones that provide our
21 workers.

22 Q. Right.

23 A. So we did have a post-election meeting. I
24 don't know, it was after the primary or after the
25 November election. Sonya had those. We ask for their

1 input. We give feedback on the workers, we ask certain
2 people not to come back. And we give them reasons why,
3 you know.

4 Q. Yeah.

5 A. So we do have that.

6 Q. Did you have any kind of survey that you send
7 out about ID issues and issues that came up?

8 A. No, no. We didn't do any.

9 Q. Did you collect any -- whether it's an Excel
10 spreadsheet or some other kind of journal or notebook,
11 the number of ID issues that came up and had to be
12 worked by your office in the election?

13 A. I'm thinking during early voting we kept track
14 of the numbers by early voting locations.

15 Q. The numbers of what?

16 A. Of people who had ID issues. But it wasn't
17 always accurate until we actually got the documents,
18 provisional ballots back.

19 Q. Okay.

20 A. And we counted them. The better number really
21 was the provisionals that came back. Because when we
22 report our daily numbers, it's nice to know how many
23 provisional ballots have been cast versus how many
24 actuals.

25 Q. All right. I'm going to take a break here for

1 a minute. I'm pretty close to finished, and so we'll
2 come back in about five, ten minutes.

3 A. Okay. Sounds great.

4 (Recess from 12:15 p.m. to 12:21 p.m.)

5 Q. (By Mr. Dunn) So just to clarify, while we
6 were on break, you learned that after the election, an
7 e-mail from your office was sent out to election
8 judges --

9 A. Uh-huh.

10 Q. -- to give any feedback about issues that
11 arose.

12 A. Yeah, positive or negative. Usually we
13 emphasize the positives.

14 Q. Okay.

15 A. But it's nice to get some of the good things
16 that went on on election day.

17 Q. Did you get any S.B. 14-related feedback?

18 A. We might have. I don't know. We would have
19 to double-check with that. And I'm sure it would be
20 captured in the e-mails if it was.

21 Q. Did you at any point purchase something or pay
22 money to the Secretary of State for materials or
23 information you used to implement S.B. 14?

24 A. I don't know of anything. I don't think so.

25 Q. Okay.

1 A. No.

2 Q. Well, I appreciate you coming today. I know
3 you're a busy person and thanks for answering my
4 questions.

5 MR. DUNN: Pass the witness.

6 THE WITNESS: All right.

7 MR. DUNN: John, are you going to have
8 questions?

9 MR. SCOTT: I do have some.

10 MR. DUNN: Do you want to move here?

11 MR. SCOTT: I can talk loud enough down
12 here. If it becomes a problem, you let me know,
13 Mr. Stanart.

14 MR. SHAPIRO: Who is that talking? Who
15 is next? I'm Mr. Shapiro. I'm having trouble hearing.

16 MR. DUNN: John Scott for the State.

17 MR. SHAPIRO: I may have questions.

18 MR. SCOTT: Do you want to go first in
19 case we lose the landline? Go ahead.

20 MR. DUNN: Mr. Shapiro, why don't you go
21 ahead.

22 MR. SHAPIRO: Okay. Thank you.

23 EXAMINATION

24 BY MR. SHAPIRO (via telephone):

25 Q. Again, this is Abner Shapiro with the

1 Department of Justice, representing the United States --
2 one of the attorneys representing the United States.

3 And, Mr. Stanart, I, to, will attempt not
4 to talk over you. And all the rules of the road that
5 Mr. Dunn laid out at the outset for depositions are
6 still -- still apply.

7 I'm going to keep this relatively brief
8 because he covered most of the areas I was interested in
9 covering, quite frankly. But just a few follow-up
10 questions.

11 You had discussed at one point the effort
12 to publicize the new ID requirement. And among other
13 things, you mentioned billboards that have gone up.

14 A. Yes, sir.

15 Q. Is that right?

16 A. Yes, sir.

17 Q. And where were you -- what decision did you
18 make about where to put up those billboards? How did
19 you decide which parts of the county to put those
20 billboards up?

21 A. Well, the space was actually donated by Clear
22 Channel.

23 Q. Okay.

24 A. And so they pretty much kind of selected the
25 locations based upon their availability, because we

1 basically only had to pay for the vinyl. And so it was
2 kind of a partnership with them.

3 So that they used, you know, free space
4 they had, and they did kind of -- but, you know, they
5 kind of picked, you know, so we would get the most
6 exposure.

7 But also they were restricted by what was
8 available that they wouldn't sell to a paying customer.

9 Q. I see. So do you know how many billboards you
10 put up for on this issue? Let's say in the lead up to
11 the November election.

12 A. I believe it was 40.

13 Q. Forty?

14 A. Yes, sir.

15 Q. Do you have a sense where in the county those
16 billboards went up?

17 A. They were just all over the county. Like I
18 said, it was driven by what was available by Clear
19 Channel that they didn't have a paying customer paying
20 for at that time.

21 Q. Okay. So you have no sense as to where -- if
22 all the billboards were in one part of the county, you
23 wouldn't know, or generally, what's your sense of it?

24 A. No, they were distributed through all
25 population centers, and we actually did have some of the

1 billboards in Spanish, as well as Vietnamese and
2 Chinese, and those were targeted other language than
3 English was actually trying to target into the high
4 population centers of that language.

5 And Clear Channel, they know their
6 customers, and they know where they would position those
7 to have the most impact.

8 Q. Okay. And did you -- in the documents you
9 provided us in discovery, did you -- is that -- does
10 that include information about where those billboards
11 went up?

12 A. I don't know. I mean, it might.

13 Q. Okay.

14 A. I think it does include the examples of the
15 billboards in the four languages.

16 Q. Okay. But you could provide that to us?

17 A. I think we could probably get that from Clear
18 Channel.

19 Q. And what can you tell us, generally, about the
20 type of information that was on those billboards?

21 A. It was real simple. It had a picture of a
22 photo ID on it, and the message was, "Bring your photo
23 ID to the polls." And then we had a link to our Web
24 site, harrisvotes.com. And then I think we had, you
25 know, my name, County Clerk, Stan Stanart.

1 Q. Okay.

2 A. And it had my title, too, to know who's
3 sending the message out.

4 Q. Okay. Great.

5 A. You know, as few words as possible to get the
6 most impact.

7 Q. Okay. Good. And the image that was used in
8 that billboard, was that included in the information you
9 provided us?

10 A. Yes, I believe so, yes.

11 Q. Okay. And what, if anything, did that
12 billboard advertise and say about the ability to obtain
13 an EIC or another type of ID?

14 A. Well, it didn't because, you know, billboards,
15 you've got just a quick snapshot of the message, but it
16 did have harrisvotes.com on there, in there in white on
17 a black bar that ran across two-thirds of the way down.

18 And on harrisvotes.com, we talked
19 about -- we had a link on the main page, you know "photo
20 ID required." And on that page, we talked about photo
21 IDs, and we had a page on EICs as well.

22 Q. So just to clarify, you're not talking about
23 what the text is on the Harris County link, but in terms
24 of the advertisements, on the billboard, what did that
25 advertisement say about getting, if anything, about

1 getting an ID?

2 A. All it said was --

3 Q. How to get an EIC ID?

4 A. No, it did not address that. It said, "bring
5 your photo ID to the polls," and it had the Web site
6 link.

7 Q. Okay. And you also, I believe, discussed
8 brochures that your office has produced on getting the
9 word out on the ID requirement; is that right?

10 A. Correct.

11 Q. Okay. And is that also a document that's been
12 provided in the course of discovery?

13 A. Yes, it is. And like I said, it's also in all
14 four languages.

15 Q. Okay. And what does that document say about
16 getting an EIC, if anything?

17 A. I don't have one in front of me to look at.

18 Q. Okay. To your knowledge, do you know if it
19 says anything about how to obtain an EIC?

20 A. I'm not positive. I suspect it does. I do
21 know we did press releases that talked about the EICs
22 and the locations where people could obtain the EICs.

23 Q. Okay.

24 A. And we did get a lot of media from the
25 billboards. We actually made the front page of the

1 Houston Chronicle with the billboards.

2 Q. Okay. And when you say you got a lot of
3 media, does that mean that the papers sort of reiterated
4 the message that was on the billboard?

5 A. You got it, yes. And they had a lot more
6 details on their messages then.

7 Q. Now, is it also true that your office puts
8 out -- I think it's sort of typical of election offices,
9 they put out and publicize a date and time of election?

10 A. Correct.

11 Q. That's part of the publicity that election
12 offices not engage in, is that something your office
13 does, has routine announcements, this is the date and
14 time of the election and has service announcements on
15 radio and service announcements of different types? Is
16 that something your office engages in?

17 A. We put press releases out to the media with
18 those kind of details in it, and then they put it out in
19 their own verbiage, their own method.

20 Q. Okay. And subsequent to S.B. 14's passage,
21 did those press releases that you put out include
22 information you put on about the new voter ID
23 information?

24 A. As soon as it was approved -- you know, I
25 mean, as soon as the Supreme Court announced that any

1 press releases after that, we started emphasizing it
2 because our goal was to make sure that the message got
3 penetrated as deep as possible to the voters in Harris
4 County.

5 Q. Okay. So am I understanding you correctly
6 that when your office now puts out the press release
7 concerning the election with a date and time, you're
8 also at the very same time putting out press releases
9 concerning the voter ID requirements? Is that what
10 you're telling me?

11 A. Yes, we always -- we mentioned it. It's on
12 harrisvotes.com. You know, right there on the front
13 page, it says "photo ID required."

14 Yeah, we've been constantly talking about
15 photo ID that I think it's pretty well penetrated our
16 voters, but we will have another good push come
17 November.

18 Q. And what do those press releases, those
19 routine press releases that come out when you're
20 announcing elections and dates and time say about the
21 EIC and how to get the EIC? Does it say anything at all
22 about that?

23 A. We did have some that said something about it
24 back when it was more appropriate in timing, but we do,
25 you know, always drive people to our Web site and our

1 press releases for more details.

2 Q. Okay. But I understand that you identify the
3 Web site, but in terms of the routine, sort of press
4 release relating to elections that also discuss the ID
5 requirement, what do they say about how to get an EIC,
6 if anything? Do they say anything?

7 A. Some of the press releases did. But like I
8 said, it was more appropriate right before the November
9 election, and before the primary, but you have the --
10 you should have all the press releases in the documents
11 that's been provided to you.

12 Q. Okay. Thank you. Now, with regard to the --
13 to concerns about whether there are residents in the
14 county who are otherwise eligible to vote who don't have
15 photo IDs, is that a concern that has been brought to
16 the attention of your office since the passage of
17 S.B. 14?

18 A. Most of the community organizations that I
19 know of that I've worked with, in talking to the League
20 of Women Voters, have all told me they are all trying to
21 get people to use the personal IDs instead of the EICs
22 because it has much more use as an identification
23 document. It can be used to cash checks, and to go to
24 the airport, to go to city hall, other things.

25 And if you're over, I believe, 62, it

only costs \$6. It's a minimal charge. And that's why all these communities out there that are helping people with their IDs are really pushing them towards that personal ID.

Q. I mean, to what extent has your office tried to kind of get a handle of the extent of the problem, the nature of this problem, that is to say, how many residents may not have picture IDs? Is that something you tried to investigate?

MR. SCOTT: Objection; form.

A. Say what?

MR. SCOTT: I'm just putting an objection on the record. I'm sorry. Please go ahead.

Q. (By Mr. Shapiro) Let me rephrase that.

Sorry. To what extent have you attempted to investigate the number of individuals who are in your county without photo ID?

A. Well, I don't have that information. All I can look at is the anecdotal information with the number of people that attempted to show up without photo ID.

As I said previously, we've actually, you know, looked at our matching to the DPS. And I can, without doing any significant work, see that two-thirds of them actually do have a DPS-issued ID.

Then also the number of complaints that

1 we received around ID issues has been insignificant.

2 And the number of people who actually cured and have
3 dealt -- trying to get an EIC has been very, very small.

4 Q. Now, has the secretary of state's office
5 provided you with any information about whether there
6 might be residents in your county without IDs, without
7 picture IDs?

8 A. No, I don't think there's very many out there
9 because they can't get any government services without
10 having a picture ID these days.

11 Q. Have you determined whether there are certain
12 areas in the county where this may be more of an issue
13 than in other areas?

14 A. No. Like I said, I don't know of any -- I
15 know of -- I don't know of anybody who is in this
16 category that's -- almost hypothetical category because
17 you can't -- there is here no government services you
18 can have without a photo ID.

19 You can't go to the -- you can't cash a
20 check, you can't do anything a normal person would do
21 without having a photo ID.

22 Q. Now, you were -- you mentioned, I think, the
23 total of provisional ballots that were cast, I believe
24 in the 2013 election because of the ID requirement. I
25 believe you said it was 105; was that right?

1 A. Yes. And six of those were not even
2 registered to vote.

3 Q. What is the total of all the provisional
4 ballots cast because of the ID requirement to date, not
5 just that one election?

6 A. Well, that was the largest numbers. The other
7 numbers are really small. Here it is. Let's see. We
8 had in the November -- the December election runoff,
9 there was five, and none of those were cured.

10 In the Democratic primary, there were
11 ten, and one of those was cured. And the Republican
12 primary, there was 25, and four of those were cured.

13 Q. So that's your sum total?

14 A. Yes, that's it. I mean, it's been -- when you
15 look at the number of people who are voting in Harris
16 County, that's a very, very small number.

17 Q. And you said there were, you believe,
18 two-thirds of those in the November 2013 election had
19 had an ID -- had had an ID?

20 A. Yes. Because I can go match two-thirds of
21 them back to a DPS ID, you know, running a query back to
22 the DPS ID. You can see these people actually possess
23 IDs.

24 For some reason, they did not show up at
25 the polls with the IDs, and it's very well possible more

1 than that two-thirds actually have IDs, I just -- it
2 gets into my hard match/soft match type criteria.

3 Q. Okay. And for those who do not have -- who
4 came and did not have an ID, did you analyze where those
5 individuals, you know, what parts of the county they
6 reside in?

7 A. Believe it or not, they are all over the
8 county. In fact, some of them were out in Memorial, or
9 what I call the higher neighbors. Not your poor
10 neighborhoods, by any means.

11 There is no pattern of those people who
12 voted provisionally that tracked any kind of poor or
13 minority neighbors.

14 Q. Did you attempt to analyze that? I mean, I
15 understand you're asserting that now. What is that
16 based on? Is that based on an analysis, job that was
17 conducted?

18 A. We just geocoded them, put them on the Harris
19 County map. And you can see they're just equally spaced
20 across the county.

21 I mean, there is no rhyme or reason why
22 and there. You wouldn't -- it wasn't -- it didn't
23 follow your -- your additional minority or traditional
24 poor neighbors. Not that there wasn't there, I'm just
25 saying it didn't follow a pattern.

1 Q. Okay. When you say that you found -- done an
2 analysis of the data, could you break that down for me?
3 Was that analysis of just that one election of the 105?

4 A. Yes.

5 Q. Or was that a total --

6 A. Yes. We just plot -- basically, we just
7 plotted each of those individuals of the 105. I think
8 we might have thrown out the unregistered, but just
9 plotted them on a map, those addresses on Harris County,
10 and you could see that they were just across Harris
11 County.

12 Q. And that's distribution, for even
13 distribution, did that hold when you were just analyzing
14 those individuals who just don't have a match with the
15 ID?

16 A. I don't remember. I think all we did was just
17 the ones who didn't -- all we plotted was those that --
18 and that doesn't mean that they don't have an ID.

19 All I'm telling you is that I could not
20 easily match with the data that was in the voter
21 registration database to the DPS ID for about a third of
22 them.

23 Q. Okay. So I'm just trying to clarify which
24 individuals you plotted.

25 A. I think we plotted all of them.

1 Q. You plotted all 105. And did you separately
2 kind of try to figure out what was going on with that
3 one-third minority --

4 A. No.

5 Q. -- figure out whether there was an even
6 distribution --

7 A. No.

8 Q. -- with regard to that one-third?

9 A. No, I don't think we did, but we could easily
10 do it. But no, I don't think we did.

11 Q. And is it -- did I understand you correctly
12 when you said you felt that you had succeeded in making
13 residents in your county aware of the new voter ID
14 requirement, by and large? And if so, could you expand
15 on what you meant by that?

16 A. Well, because we reached out to every
17 community organization across Harris County that we
18 could find. I mean, I actually charged my staff in
19 voter outreach to do the biggest, the best, hardest job
20 you've ever done in getting the word out about an issue.

21 And so we reached out in the City of
22 Houston, your other cities, your colleges, even the
23 professor in the colleges. You know, we obtained their
24 e-mails, and we e-mailed to them.

25 We went to every library, every school

1 district in the county, to every principal. We
2 communicated to the high schools. Of course, you can't
3 vote the other ones.

4 But we communicated to them that they
5 needed to have a photo ID to vote. And gave them
6 information about, you know, going to our Web site for
7 more details.

8 We had these posters put out that we
9 distributed to them about this information. We did our
10 darnedest to get the word out.

11 We got the media involved because they
12 had the big bullhorns, whether through the radio, or
13 through the TVs, or the printed press, and also in every
14 language.

15 We got the word out to them about the
16 need. And then there was -- so there was many, many
17 columns written, tons of information put out to the
18 voters that, you know, you need a photo ID to vote. And
19 the end result, I believe, show that we did a good job
20 in getting the word out.

21 Q. Okay. And I'm not sure I fully followed the
22 comparison that you said you did between your voter
23 registration list and the DPS database.

24 I think you said that there was
25 discrepancies that resulted in 93 -- 90,000?

1 A. 90,000 that -- a little over 90,000 that did
2 not have a hard match.

3 Q. 90,000 that didn't have a hard match.

4 A. In other words, I wasn't confident that it was
5 the same person.

6 Q. Okay.

7 A. So if we didn't have a 99.99 percent
8 confidence that it was the same person then we didn't --
9 even though we might know it's one of these two people,
10 it was not -- it didn't meet my criteria.

11 Q. Okay. So this is my point of confusion. So
12 part of this is whether there's a discrepancy between
13 the names and there's not an exact match.

14 A. Correct.

15 Q. But then there is also -- is there also
16 another -- does that 90,000 also include all those
17 individuals for whom they are only on the registration
18 list, and you cannot find any photo ID for them in the
19 DPS database, is that --

20 A. Well, no. It's also I can't give a hard
21 match. It's like, you might match two or three people,
22 but there's not enough data points there for me to say
23 which one of those three people you are.

24 In other words, there is insufficient
25 data in the voter database -- voter registration

1 database to actually hard match.

2 If we had a driver's license in the voter
3 registration address for every one of them, then we
4 would -- it would make it pretty easy on us, but we
5 don't. We've only got it for about half of them.

6 Q. I see. So -- I'm sorry I'm being obtuse. So
7 at the end of the day, can you tell what percentage of
8 those -- of the 90,000 is coming from discrepancies
9 between the -- let's say the driver's license and the
10 registration, and what percentage just don't have a
11 driver's license?

12 A. I have no way of knowing that they don't have
13 a driver's license, or a personal ID. Remember, the DPS
14 database includes people who have personal IDs.

15 Q. Right, right.

16 A. And that's over 200,000 people of our
17 registered voters, if I remember right. It's a huge
18 number.

19 Q. Right. Okay. Thank you. That's helpful.
20 One moment, please.

21 A. Okay.

22 Q. Now, going back to this issue of the
23 provisional ballots that were cast. To what extent do
24 you have any information indicating that the voters who
25 cast provisional ballots because of the ID requirement

1 would be unqualified to vote, or otherwise ineligible to
2 vote were it not for the photo requirement? Do you have
3 any such information?

4 A. No, I don't think there's any way to come to
5 that conclusion. We went to great lengths to help the
6 voters deal with the cure process. The tax office is,
7 you know, two floors -- two floors below us.

8 And we actually brought in DPS to do the
9 cure here in my offices, too. So we had a one-stop shop
10 for the voters.

11 So they -- you know, I just don't see
12 where there's any evidence that those that didn't come
13 cure didn't have IDs, because there wasn't any close
14 races.

15 If there had been close races, you might
16 have drug some more people to say, "Hey, my vote would
17 make a difference." But when you have things so largely
18 different, I suspect most of the people stayed home
19 because it doesn't matter.

20 Q. What's your -- what's your perception as to
21 whether any of those ballots, those provisional ballots,
22 were cast by individuals who were not qualified to vote?

23 Do you have reason that any of those
24 individuals were, let's say, felons, or in any way
25 undocumented, or do you have any reason to suspect that?

1 A. Well, of the 105, six of them were not even
2 registered. So that -- there's one reason why they
3 wouldn't even be qualified anyway, regardless of having
4 an ID issue or not.

5 The others, I'm not sure there's been an
6 analysis. And if there has, I don't believe I've been
7 shown that information.

8 Q. Did your office have any interest in
9 investigating whether any of those individuals were, in
10 fact, eligible to vote?

11 A. I mean, it seems like that's more of a voter
12 registration issue. But remember, everyone that did
13 not -- that did not -- whose ballot we did not count, we
14 sent them a letter telling them why it was not counted.

15 So if it was for an ID issue, you know,
16 then they were noted that they need to go get an ID,
17 whether that be an EIC, or a personal ID, or a driver's
18 license, or bring one of the other acceptable forms of
19 IDs to vote.

20 Q. Okay. Now, you mentioned that there were, I
21 believe -- was it four DPS offices in Harris County?
22 Did I get that right?

23 A. No. There's 12 permanent and four what we
24 call mobile.

25 Q. I see.

1 A. Or temporary ones that was provided for the --
2 to support the November election.

3 Q. Do you have any sense as to whether any of
4 those offices are accessible to public transport, and
5 which of those offices are accessible to public
6 transport?

7 A. I don't know positive, but I'm certain that
8 they probably all do. But off the top of my head, three
9 of them. And I would suspect the fourth one does
10 because you basically -- other than that church, they're
11 public locations.

12 You know, like community centers, or a
13 college, or another one was a community center, I think,
14 for the city. They should have. I mean, there are
15 enough buses around Harris County that go by these
16 general areas that I can't imagine that they don't. But
17 I don't know for positive.

18 Q. And you said that when a person's applying for
19 an EIC who doesn't have a birth certificate, you can get
20 a birth certificate from your office; is that right?

21 A. That's correct. I mean, my downtown branch or
22 any of my nine satellite offices around the county.

23 Q. Okay. And you described -- and I don't think
24 I fully understand which circumstances of the cost being
25 defrayed. Are you aware of the circumstances that that

1 would be are defrayed? What are they?

2 A. Yes.

3 Q. What are the circumstances?

4 A. My understanding is if they are there to get
5 the -- that evidence for the purpose of using it to get
6 an election certificate, that the state will waive its
7 fee.

8 But apparently, there is like a \$2 fee
9 that can't be waived. And I have personally told my
10 staff that's in charge of that department, that if
11 someone makes an issue of paying the \$2, that I would
12 personally take it out of my pocket and pay it. And
13 nobody has.

14 Q. To your knowledge, has anyone had their costs
15 defrayed in getting a birth certificate from your
16 office?

17 A. I believe they have. I just don't have any
18 numbers or any specifics readily available of that.

19 Q. Do you have records of that?

20 A. Oh, I'm sure we do. I'm sure we have got
21 records of it, and we can probably get that information.

22 Q. Can you get that to us?

23 A. Yes.

24 Q. What is -- what is the policy of your office
25 if an individual arrives at your office and says, "I

1 want a birth certificate because I need one to get my
2 EIC"?

3 What would a person -- what would the
4 policy be in terms of how that person is charged?

5 A. They were told that the state is waiving its
6 fee. And, to the best of my knowledge, they are
7 probably told it's an additional \$2 fee. And if they
8 made an issue of that, we would waive that, and I would
9 personally pay it.

10 Q. So it's your understanding that in every
11 instance whenever an individual has mentioned that he's
12 getting an EIC and needs a birth certificate, that your
13 office has defrayed the cost?

14 A. The state, I think, waives their portion of
15 it, all except for \$2. But there's been very, very few
16 EICs issued in Harris County, it's my understanding.
17 Maybe a couple dozen or so.

18 I mean, it's not very many. So it's not
19 really -- this is not what you call an everyday issue,
20 by any means, in my office.

21 Q. Okay. And the individuals who work in your
22 office who are providing these birth certificates, have
23 they been trained on this policy? And when?

24 A. Well, the people that are in charge, they are
25 aware of it. And this, I mean, this happened back

1 before -- when this waiver came -- actually came through
2 from the state. I just -- I mean, here's the thing I
3 think has happened, is why you're not seeing so many of
4 these EICs, is the League of Women Voters and other
5 assistive agencies out there have helped people get the
6 personal IDs.

7 And at the same time, they have also
8 helped, I think, defray the cost of getting any birth
9 certificate, if it was needed, and also helped with any
10 cost with getting the personal ID, if it was -- if the
11 person needed assistance with the financial means of it.

12 And I think this happened last fall, well
13 before the election. That's why you're not seeing very
14 many numbers in the EICs.

15 Q. Okay. So do you know whether DPS conducts a
16 record check on individuals, let's say, for outstanding
17 warrants, or traffic tickets when they try to get an
18 Texas ID from a DPS office?

19 A. No, not to my knowledge, I've not heard that.

20 Q. So if someone is trying to get a Texas
21 driver's license, do you know if DPS would see if there
22 are any outstanding tickets before they would renew a
23 driver's license?

24 A. Not to my knowledge.

25 Q. Not to your knowledge?

1 A. No.

2 Q. Would that be a concern to you if they were?

3 A. I'd have to look at the circumstances why and
4 what they're doing there. But it depends on the
5 circumstances. We've got some -- one, a criminal,
6 No. 1, is nice to know, he's there.

7 Q. Almost done. You had explained the disability
8 exemption previously, but I didn't quite follow that
9 explanation. What documents -- well, let me back up.
10 What needs to be presented in order to
11 qualify for that exemption?

12 A. Well, you actually -- believe it or not, you
13 deal with the voter registrar with this issue. They're
14 the ones who deal with this.

15 It might actually be more appropriate
16 that you ask them this afternoon. I mean, I just don't
17 know the details. They do.

18 Q. So you don't know the detail of the process by
19 which voters obtain a disability exemption?

20 A. No, because it's voter registration and they
21 administer that end of the process.

22 Q. And do you maintain the records of who gets
23 it?

24 A. Yes. It gets flagged in our system, so that
25 we do know that. We print it in the poll books so that

1 our election workers know that they have been -- they
2 got a disability waiver on the photo ID issue, but
3 that's the extent of our training. The actual how it's
4 done is actually done through voter registration.

5 Q. Okay. And I think you had mentioned that
6 there were very few waivers up to this point.

7 A. To the best of my knowledge, it's very few,
8 yes.

9 Q. Do you have a number, or can you provide us
10 with a number?

11 A. I don't have a number, but I'm sure we can get
12 a number.

13 MR. SHAPIRO: Thank you. I think that's
14 all I have. Thank you.

15 THE WITNESS: You're welcome.

16 EXAMINATION

17 BY MR. SCOTT:

18 Q. Mr. Stanart, my name is John Scott. I
19 represent the defendants in the case.

20 A. All right.

21 Q. If, for any reason, during my questions you
22 don't understand one of them, please let me know, and
23 we'll reask it until we get on the same wavelength. All
24 right?

25 A. All right.

1 Q. All right. What's the most populous county in
2 the State of Texas?

3 A. Harris County.

4 Q. Okay. How many, approximately, registered
5 voters are in Harris County, as we sit here today?

6 A. We're real close to two million.

7 Q. And to your knowledge, over the past three
8 major elections that have been conducted in Harris
9 County using voter ID, how many people have been
10 prevented from voting as a result of not having proper
11 ID?

12 A. It's a small number. It's what, 150
13 approximately -- what's that number I just read out?
14 Yes.

15 MR. RAY: Listen to the question.

16 Q. (By Mr. Scott) And of those, let's break it
17 back down by the election. We know in the primary
18 elections which were held back in March of this year,
19 the Republican primary, there were approximately 25
20 people who presented without proper ID and were asked to
21 cast a provisional ballot; correct?

22 A. That is correct, yes.

23 Q. And of those, at least none of those people --
24 I'm sorry, four of those people came back and provided
25 adequate identification.

1 A. Yes.

2 Q. And those four ballots were then counted; is
3 that correct?

4 A. Correct.

5 Q. The other 21 were not?

6 A. Correct.

7 Q. Okay. On the Democratic side of the primary,
8 there were ten ballots cast --

9 A. Yes.

10 Q. -- provisionally, because they did not present
11 proper photo ID.

12 A. Right.

13 Q. One of those people came back and presented
14 proper photo ID, and that ballot was, in fact, counted?

15 A. Correct.

16 Q. Then back in November of 2013, I think you
17 said there was 105 provisional ballots that were cast
18 because the person did not have proper photo ID.

19 A. Right.

20 Q. Of those, six of them did not have -- were not
21 even registered to vote.

22 A. Correct.

23 Q. And then when y'all did a data research, or a
24 further analysis, you found that about two-thirds, or 66
25 of the remaining 99 people actually did, in fact, have

1 photo ID through the Department of Public Service.

2 A. Yes. And eight of them actually came in and
3 cured.

4 Q. Okay. So eight out of that 99 actually came
5 and cured and their ballots were, in fact, counted?

6 A. Correct.

7 Q. Had the other, I guess, 90 -- I'm sorry,
8 60 -- what is that? So 58 people come forward and
9 brought their IDs that they, in fact, had from the
10 Department of Public Service, and done it within the
11 six-day cure period --

12 A. Yes.

13 Q. -- would your county have counted those
14 ballots?

15 A. Well, yes. Yes.

16 Q. Okay.

17 A. And more of them potentially have IDs. I'm
18 just saying those are the ones I could hard match.

19 Q. So have you -- do you still have the ability
20 to capture and turn over the identification of those 105
21 people from the November election --

22 A. Yes.

23 Q. -- that cast the provisional ballots?

24 A. Yes.

1 (Stanart Deposition Exhibit No. 2 was
2 marked and is made a part of this deposition.)

3 Q. (By Mr. Scott) And let me hand you -- and
4 we'll mark this as Exhibit 2 to your deposition, that
5 which I believe is the deposition notice. And I'll hand
6 you that, ask you to look at that.

7 A. Yes.

8 Q. Is that the deposition notice you received to
9 be here today?

10 A. It appears to be, yes.

11 Q. And it had attached to it things to bring to
12 the deposition.

13 A. Correct.

14 Q. From the earlier discussion you had with
15 Mr. Dunn, it appears that you had, prior to today's
16 deposition, already produced all those materials to him
17 in the form of, I guess, documents in three banker's
18 boxes, I think was the description I heard.

19 A. Yes, yes, to the best of our ability.

20 Q. Okay. Now, I have not seen those documents,
21 and I don't see them here today, so they're not present
22 today, that you've seen; right?

23 A. No.

24 Q. And were those supposed to --

25 MR. SCOTT: I guess let's take a stop

1 from the question to you, at least on the record,
2 Mr. Dunn, are those documents you're going to attach as
3 an exhibit to this deposition? It appears they were
4 produced to comply with the deposition notice.

5 MR. DUNN: Well, we can talk about how
6 they were produced. I thought you got them, too. I
7 didn't get them until Friday.

8 And, frankly, with given their volume, I
9 haven't got to look at much of them myself. But it was
10 my understanding the county was producing to all
11 parties. If they're not, I'm happy to arrange a way to
12 get them produced to you.

13 MR. RAY: Well, the procedure we followed
14 was that I was contacted by Mr. Baron, and he said could
15 I provide the documents that he was requesting pursuant
16 to his notice early. So I gave -- I had him pick them
17 up.

18 And to tell you the truth, I just
19 presumed that they would all be available to all of you.
20 I didn't try to figure out whether to make copies for
21 everybody. I had relied on Mr. Baron to handle that.

22 MR. DUNN: Okay.

23 MR. RAY: So maybe that was not the best
24 policy, but that's what we did.

25 MR. DUNN: I think we just, you know,

1 miscommunicated.

2 MR. SCOTT: So I'm trying to figure out a
3 procedure by which we can make sure we get a complete
4 copy of the exhibits attached to the deposition after
5 the depo, which isn't an unusual problem, but let's make
6 sure we've got a complete universe of the record.

7 Would it be the best for Mr. Dunn to
8 bring those back to you so that you can confirm, and
9 then attach those as Exhibit 3 to the deposition
10 en mass, and we'll just have them Bates labeled?

11 MR. DUNN: I'm fine with that. I'm
12 throwing -- can we have the conversation off the record
13 and then confirm what we're going to do?

14 MR. SCOTT: Yeah, that's fine.

15 (Recess from 1:05 p.m. to 1:09 p.m.)

16 MR. SCOTT: It is my understanding that
17 at the next break, after this deposition, we are going
18 to adjourn to go down to Mr. Dunn's car, the county is
19 going to review the documents to make sure that they
20 are, in fact, the same universe of documents that were
21 provided on Friday to Mr. Baron in response to the duces
22 tecum to the notice today, which has been marked as
23 Exhibit 2 to the deposition.

24 Mr. Dunn is going to undertake to explore
25 getting it done electronically. That failing, the

1 documents will be made available, what, within a week
2 for the state to obtain and make copies of as well. Is
3 that correct?

4 MR. DUNN: Yes.

5 MR. SCOTT: DOJ, y'all agree with that?

6 MR. SHAPIRO: That's fine. Works for me.

7 Q. (By Mr. Scott) Okay. So let's turn our
8 attention now, if we could, to the Department of
9 Justice. It's my understanding that they have obtained
10 some documents from Harris County as well.

11 A. Correct, yes.

12 Q. Do you know if -- was it John Powers with the
13 Department of Justice that y'all dealt with?

14 A. I have no idea. Do you know?

15 MR. RAY: Are you talking about the
16 copies of the -- copies of the affidavits?

17 MR. SCOTT: I don't know what all they
18 have got. So I guess I'm trying to track down what
19 Department of Justice has gotten.

20 MR. SHAPIRO: I believe that John Powers
21 obtained affidavits -- provisional ballot affidavits
22 from recent primary elections --

23 MR. RAY: Okay. It's two-fold.

24 MR. SHAPIRO: -- from Harris County
25 fairly recently. Is that --

1 MR. RAY: It's two-fold. Yeah. We
2 received a subpoena from the Justice Department which
3 asked us for a volume of documents which we produced to
4 them how long ago?

5 MS. ASTON: At least a month ago.

6 MR. RAY: At least a month ago.

7 MS. ASTON: That was to John Smith.

8 MR. RAY: That was to John Smith.

9 THE WITNESS: Yes.

10 MR. RAY: Now, recently, we received the
11 letter from John Powers this request for copies of the
12 affidavits that were filed on the provisional ballots
13 for that election. We provided those to him a little
14 over a week ago.

15 MR. SHAPIRO: Right.

16 MR. RAY: So I don't know if John Smith
17 is -- would he be working on this case, Mr. Shapiro,
18 John Smith?

19 MR. SHAPIRO: He's with the attorney's
20 office, but yeah, he would be assisting us.

21 Q. (By Mr. Scott) Okay. And so do you know of
22 any other documents that Harris County has produced to
23 the Department of Justice in this lawsuit?

24 A. Is that the same lawsuit, though?

25 Q. Yes. This lawsuit, which is Veasey versus

1 Perry.

2 A. Not that I know of.

3 MR. RAY: Just those two.

4 A. Yeah, just those two there, yes.

5 Q. (By Mr. Scott) So there was a subpoena issued
6 to Harris County approximately a month ago?

7 A. More than a month ago. That was like
8 two-and-a-half months ago. You know, they gave us a
9 month to reply, and we did. And we delivered it down to
10 the Department of Justice building, or office.

11 Q. Do you know if the Harris County Clerk has
12 received any -- well, let me informationally: How do
13 y'all keep track of Public Information Act requests, or
14 requests under Public of Information Act?

15 A. The person in my voter outreach deals with
16 voter registration -- I mean, voter-type issues. Voter
17 issues usually come through her, or through Sonya. And
18 then over at my other admin building, they take care of
19 it. Depends on what the issue is around.

20 Q. So since that lawsuit began in, I don't know,
21 a little over, what, a year ago, approximately? I don't
22 know when it was filed. Approximately a year ago?

23 MR. DUNN: June of 2013.

24 Q. (By Mr. Scott) June 2013. Are you aware of
25 any Public Information Act requests for documents about

1 voting histories of -- through the Harris County --
2 through y'all's office?

3 A. We constantly get requests for voting
4 histories. We sell CDs of them for such and such
5 election, you know, to all those people that voted in an
6 election.

7 Q. And do you keep track of all the PIA requests?

8 A. Yes, we have a spreadsheet that we keep track
9 of who has asked for what.

10 Q. Okay. And was that one of the documents that
11 y'all produced, to people who requested documents?

12 A. No, because that's just general voting
13 history. It wasn't tied to this lawsuit in any way.

14 Q. For sure, for certain, nobody that requested
15 any PIA documents from -- yeah, I'm sorry. Public
16 Information document requests --

17 A. Yeah.

18 Q. -- who identified themselves as potentially an
19 expert for one of the parties, or are working for an
20 expert?

21 A. I have no knowledge of that.

22 Q. Okay.

23 A. They might have, but I don't know of anything.

24 Q. Nothing that comes to mind, as we sit here?

25 A. Correct.

1 Q. On Exhibit 1, Mr. Dunn and you went through a
2 number of potential examples of names.

3 A. Right.

4 Q. Oh, five or six examples. Which will be
5 examples, I believe, the subject matter was similar name
6 issues?

7 A. Correct, right.

8 Q. With regard to elections that have been held
9 since voter ID became the law or applicable, so the
10 November '13, the March '14, and May runoff election, in
11 any of those three elections, have there been any voters
12 who presented identification which required them to
13 execute a similar name affidavit whose ballot was not
14 counted?

15 A. I don't know of anybody who had -- that voted
16 provisionally in any of those elections, or the runoff
17 election in December, for the City of Houston that, you
18 know, had to vote provisionally because of the similar
19 name issue.

20 Q. So there's really been four elections.

21 A. Yes.

22 Q. Under voter ID, I apologize.

23 A. Yeah, that's fine. I forgot it initially
24 myself.

25 Q. So there was the November 2013 election.

1 A. Yes.

2 Q. Including a constitutional election.

3 A. Right.

4 Q. There was a December 2013 runoff election for
5 City Council and Mayor -- or City Council.

6 A. Yes, yeah.

7 Q. City of Houston.

8 A. Yes.

9 Q. There was the March primary 2014 elections.

10 A. Yes.

11 Q. And there were the runoff elections for the
12 primaries, which was conducted in May of 2014.

13 A. Right.

14 Q. And during all four of those elections,
15 S.B. 14 was the controlling law regarding photo ID and
16 similar names; correct?

17 A. Correct.

18 Q. Now, the similar name affidavit, would you
19 describe for the judge what the similar name affidavit
20 entails for the voter to do?

21 A. To initial a little box that says, "I'm the
22 same person." If the person's name is different, they
23 have to initial a little box that says, "I'm the same
24 person as the person that's registered."

25 Q. And the person already signs their name at the

1 polling place when they are identified as a voter;

2 correct?

3 A. Yes.

4 Q. So besides signing their name, which they

5 would normally do, they would then initial a small box

6 that's there on that same sheet?

7 A. Yes, yes.

8 Q. And approximately how much time would that

9 take?

10 A. A second or two, at the maximum.

11 Q. And so from a standpoint of delaying an

12 election or polling place, the operation of a polling

13 place, do you have an opinion whether that is --

14 accounts for any delays that folks would actually

15 encounter at a polling place?

16 A. It's almost -- it's such a small part of the

17 whole check-in process that it's really almost

18 insignificant in the time that it takes to check a

19 person in to vote.

20 Q. So in the four elections we've talked about

21 that were conducted in Harris County since S.B. 14

22 became the law of the land, there -- if I understand you

23 correctly, there has not been a single person as a

24 result of a similar name issue whose had to cast a

25 provisional ballot; is that correct?

1 A. To best of my knowledge, yes.

2 Q. Your department has done an enormous amount of
3 outreach to the community --

4 A. Yes.

5 Q. -- to let the folks know out in Harris County,
6 the voters, what they needed to do for an election as a
7 result of S.B. 14, and generally, just to advertise
8 elections; correct?

9 A. Yes. But we did a lot of extra effort on
10 photo ID.

11 Q. And tried to make sure that accurate
12 information was put out there to the neighbors.

13 A. Correct, yes.

14 Q. Are you aware of any politicians who have put
15 out information that was -- you would be able to
16 determine was not correct, or misinformation about photo
17 ID, voter ID, or similar names?

18 A. I think we've seen some information to that
19 effect, yes.

20 Q. Tell me what you've seen.

21 A. I mean, I don't have a document in front of
22 me, but there were people soliciting for information --
23 have we got examples of that?

24 MS. ASTON: I can't remember.

25 A. I think we've seen some information that we

1 can obtain that -- where people were handing out people
2 who -- soliciting people who, quote, to be harmed by
3 photo ID.

4 Q. (By Mr. Scott) Okay. And have you seen any
5 situations where actually house of representatives,
6 perhaps I think specifically Representative Miles may
7 have given some information about whether people would
8 have to cast provisional ballots if they had similar
9 name issues?

10 A. I believe we see that, yes, yes.

11 Q. Do you know of any other situations where
12 elected officials have given misinformation to the
13 voters?

14 A. I believe there is, I just don't remember any
15 specifics about it, yes.

16 Q. Okay. Is that something your department tries
17 to track when it hears about it?

18 A. Yes. I mean, we try to communicate to them if
19 it's misinformation, if possible. But I don't -- we
20 could probably try to gather what we have. I don't know
21 if we got very much, but yes, we will try to gather
22 that.

23 And it might be included in those
24 documents, I'm not positive. If it was captured on the
25 e-mail with one of the keywords, it would possibly have

1 gotten captured.

2 Q. Now, early on in your deposition, Mr. Dunn
3 asked you to identify whether you were Caucasian or not.

4 A. Yes, sir.

5 Q. Is that -- does your race play any role in the
6 ability of you to do your job?

7 A. Not at all.

8 Q. Okay. And does it play any role in the
9 decisions you make as the chief election officer for
10 Harris County?

11 A. Not at all.

12 Q. Has it at any time during the time you've been
13 the chief election officer?

14 A. No way.

15 Q. Approximately how long have you been dealing
16 with elections, including your time as the chief
17 election officer, election judge, election clerk, and as
18 a precinct chair, total number of years?

19 A. About nine years.

20 Q. Elections in Texas are implemented at the
21 county level; is that correct?

22 A. Correct.

23 Q. Would you go back through a little bit of the
24 training that you provide as the chief election officer
25 for Harris County to the election judges, and then for

1 their election clerks before elections, such as the one
2 back in November of 2014 -- I mean, 2013, I'm sorry?

3 A. We did extensive training for everyone.

4 No. 1, we let them all know that, you know, photo ID is
5 here, and you have to get special training, so make sure
6 you participate in the training.

7 Every judge and every alternate judge was
8 required to get the election law training, and it
9 specifically dealt with photo ID. Also every polling
10 place was supposed to have trained people that could
11 operate the equipment.

12 And we supplemented photo ID training in
13 that training as well. Every clerk, you know, was
14 provided on election day at their polling locations
15 supplemental information about photo ID, which they had
16 to sign acknowledging that they had read and obtained
17 the material.

18 We had on our Web site photo ID training.
19 We did, with the county attorney's office, a phone call
20 before the elections with our election judges giving
21 them the opportunity to ask any questions about
22 implementation of photo ID, and any laws, any legal
23 issues, questions they had, implementation issues.

24 Like I said, our Web site had the
25 extensive training. We just -- we went as much as

1 possible to make sure that that our clerks knew how to
2 implement all the laws associated with S.B. 14.

3 Also, we worked hard to get the word out
4 that our voters would know how to deal with photo ID
5 when they showed up at the polls.

6 Q. We have an election coming up in November of
7 2014.

8 A. Correct.

9 Q. Will your office undertake to do the same
10 steps that you did back in 2013 --

11 A. Yes.

12 Q. -- again, for this November 2014 election?

13 A. Correct. We will actually -- we are already
14 talked about doing billboards again, talking to our
15 billboard -- Clear Channel again.

16 We were already going to plan on doing
17 the letters again to anybody who we couldn't do a hard
18 match to, we will send a letter saying -- letting them
19 know they must have photo ID. Not that they don't
20 already have an ID, but we can't do a hard match on
21 those people.

22 Q. Do y'all ever try and estimate all the hours
23 that are extended on the training and education that are
24 put forth in preparing for an election like 2014, that's
25 coming up or the one that was performed back in November

1 of 2013?

2 A. Well, it's a big deal, I mean, the amount of
3 hours it takes. I mean, I have -- we have -- running
4 elections, I think I have about 35 full-time employees,
5 but then I have 500 temporary employees.

6 And then, of course, on election day, we
7 might have 5,000 or more people who actually work at the
8 polls, or assist in the elections somewhere or another
9 in Harris County. So we have a big budget.

10 Q. And every one of those individuals is expected
11 to be trained, properly trained and educated on what the
12 current law is at the time of the election; is that
13 correct?

14 A. To the best of our ability. We're not
15 perfect. We try to get as close as we can.

16 Q. Now, part of that -- I mean, part of the
17 election doesn't just start on whenever election day is
18 in November; right?

19 A. No way.

20 Q. In fact, y'all will begin mailing ballots out
21 for the 2014 November election on September 5th of 2014;
22 correct?

23 A. That sounds about right, 45 days before the
24 election, yes.

25 Q. And that will include -- starting that day

1 will start a number of different deadlines and for
2 requesting of ballots.

3 A. Oh, yeah.

4 Q. Some of which will include the requirement of
5 photo ID with those ballots for the people that are
6 casting those ballots; correct?

7 A. People casting personally. Ballot by mail
8 does not require a photo ID, yes.

9 Q. Well, it's my understanding that there are
10 some ballots that will require photo ID, that are
11 mail-in.

12 A. Well, that was there beforehand, you had to
13 provide proof of ID for the first-time voter, yes, yes.

14 Q. Okay.

15 A. They had to make a xeroxed copy.

16 Q. For instance, a military or overseas ballot
17 that's a first-time voter, those folks will need to send
18 in a copy of their ID with their ballot; correct?

19 A. Yes.

20 Q. And those ballots will go out September 20th
21 to the military and overseas ballots; is that correct,
22 does that sound about right?

23 A. It's 45 days before.

24 Q. Got it. The information you've received --
25 earlier you testified that you take direction from the

1 secretary of state for the implementation of Senate

2 Bill 14.

3 A. Correct.

4 Q. Did you find that that information was

5 correct, that you were provided from the secretary of

6 state?

7 A. Yeah, they do a good job.

8 Q. On the no-match list that you developed, I

9 think you said it was approximately 90,000 people that

10 you came up with early on that were soft matches or no

11 matches.

12 A. Remember, it's more than that because we take

13 out the people who, you know, voter registration cards

14 have been returned.

15 Q. Yes.

16 A. So we didn't mail to those people because they

17 don't live there. It's just going to get returned, so,

18 yes.

19 Q. And how do you know when a person's

20 registration is mailed back to you? They are placed in

21 a suspense file; correct, or y'all are supposed to?

22 A. Yeah.

23 Q. If you receive a voter registration back, it

24 is supposed to be placed -- the voter is supposed to

25 place into suspense; correct?

1 A. Correct, yes.

2 Q. And how are they designated, is there a
3 sub-list, or is it just a hyphenation, or something on
4 the records?

5 A. Yeah. Instead of an A for active, it's S for
6 suspense. They are still printed on the poll book.
7 They are still able for a person to vote. They just
8 need to provide a new address when they come vote.

9 Q. After you culled those people whose voter
10 registration cards were returned to the Harris County
11 Clerk's office --

12 A. Yes.

13 Q. -- you ended up with about 90,000 people?

14 A. That returned to the voter registration
15 office.

16 Q. The voter registration office, I'm sorry.

17 A. Yes.

18 Q. You ended up with about 90,000?

19 A. About 90,000, 91,000, we mailed the letters
20 to.

21 Q. Of the folks that you sent letters, or letters
22 were sent out to those 91,000 people --

23 A. Yes.

24 Q. -- what happened to those folks? Was there a
25 percentage? Did y'all do any follow-up? What happened?

1 A. We just noticed them that they had to have
2 photo ID. No, we didn't do anything more than that. Of
3 course, some of those came back, too, undeliverable
4 because they have moved, too.

5 But the whole idea was to let people know
6 that you needed to have photo ID so that they know
7 how -- in other words, if we wasn't positive that they
8 had a photo ID, in other words, I wasn't 99.99 percent
9 confident they had an ID, then I was just letting them
10 know you need one.

11 Now, a lot of those people do. I just
12 can't say for that 99.99 percent accuracy that they do.

13 Q. Of the ones that you received some
14 correspondence back, where y'all's letter came back, did
15 you place those in suspense?

16 A. No.

17 Q. Did you mark those that the letter was
18 returned?

19 A. No. That's not my job.

20 Q. Okay.

21 A. I don't do voter registration.

22 Q. Do you know if that was done on any those
23 records?

24 A. No, they are still active voters. Until their
25 voter registration is returned, they are not going to be

1 put in that status.

2 Okay. They are going to still be in that
3 status until the next time the voter registrar sends
4 them a card, then it will probably get returned. And
5 then that's when they will be put on the suspense.

6 Q. Was that list of approximately 91,000 voters
7 that were sent those letter, was that part of the
8 materials that were turned over?

9 A. Yes. You got copies of letters, and it was
10 updated again for the primaries.

11 Q. Okay.

12 A. Just basically, the dates that were changed.

13 Q. Did the number stay about the same, 91,000?

14 A. No, we didn't re-mail again. We only mailed
15 them once. We only mailed the new people that had
16 gotten registered since then that no longer matched.

17 If they had gotten a letter the first
18 time, we didn't send another letter the second time. We
19 didn't think it was prudent to use the taxpayers' money
20 the second time.

21 Q. Now, you mentioned that the State of Texas or
22 the secretary of state's office offered to help on this
23 process that y'all undertook regarding the no matches or
24 the soft matches.

25 A. I don't know how much --

1 Q. It's a job you took on your own?

2 A. We pretty much took it on our own, but we let
3 them know what we were doing.

4 Q. But the state did reach out to you originally?

5 MR. DUNN: Objection; form.

6 Q. (By Mr. Scott) Is that correct? Maybe not.

7 A. I don't know. I forget how much. There was
8 probably some discussion about how we could do things,
9 and I think we came up with this in -- our idea.

10 But it's not like they didn't reach out
11 to us, but at the same time, I don't remember
12 specifically on this issue.

13 Q. How long were you a software engineer?

14 A. A long time.

15 Q. How many years?

16 A. I don't know. 25 years. I mean, I'm 58. I
17 came out of college, you know, at 22, working as a
18 hardware software engineer. I mean --

19 Q. So coming up with a software program that
20 would identify no matches, soft matches is something
21 you -- is just another software engineering problem that
22 was there to be solved by you?

23 A. Yes. Yeah. It's a problem to solve that
24 engineers do, yes.

25 Q. I think Mr. Dunn was asking you about this

1 earlier, and I don't know -- I wasn't real clear on what
2 the answer was.

3 How many reported problems has your
4 office received? And if you want to break it down by
5 one of the four elections, or by election, regarding
6 voter ID, where you had voters who said they did not
7 believe they were able to vote because they didn't have
8 proper ID, or the ability to obtain proper ID. Do you
9 know of anybody like that?

10 A. Do I know of -- that didn't vote a regular
11 ballot, you mean?

12 Q. You know, that's a horrible question.

13 A. Yeah, I was going to say.

14 Q. It was horrible. Let's rephrase it.

15 A. Okay.

16 Q. To your knowledge, in any of the four
17 elections, have you heard of anyone who was unable to
18 vote because they were not able to obtain photo ID, they
19 simply could not come up with the documents?

20 A. No, I've not heard of that at all. Yeah, the
21 ability to not obtain the documents necessary to get
22 either an EIC, or a personal ID, or driver's license, no
23 I've not personally heard of one that did not have that.

24 Q. And I think earlier in your deposition you
25 said that you sent out an e-mail asking for pro and con

1 comments, your office sends it out.

2 A. From the election judges, yes.

3 Q. From all the election judges in the county.

4 A. Yeah.

5 Q. Do you recall ever having that comment relayed

6 to you by any of the election judges throughout Harris

7 County, over any of those four elections?

8 A. No, not that I've heard, not that got back to

9 me.

10 Q. Okay.

11 A. More than likely, we would have investigated

12 it if we did. We would want to know what's going on.

13 Because our idea here is to serve the voters.

14 Q. And there's, I think you said, 776 polling

15 places in Harris County.

16 A. Yeah. In the November election, we had 1,064

17 precincts.

18 Q. Have you seen any of the precincts where

19 there's been a higher than usual number of provisional

20 ballots? And I think your answer was no earlier, but I

21 want to make sure I understand that.

22 By polling places, were there any that

23 had larger numbers than you would have anticipated as a

24 percentage of the population?

25 A. There's one election we had some judges let

1 people vote provisionally, and I don't know if it was in
2 this election, where they were letting people vote, when
3 they were not registered to vote.

4 In other words, not where their polling
5 place was for that election day. We had a judge let
6 people vote from other precincts, like it was their
7 early voting. I do know we had that, so we had a lot of
8 provisionals go on.

9 Q. So let me make sure I understand that. So
10 there was a -- one of the elections, one of the four
11 elections --

12 A. I don't know if it was one of those four, I
13 don't recall which election it was. Maybe I'm adding
14 confusion by bringing this up.

15 Q. No, no, I want to make sure I understand for
16 this issue.

17 A. Yeah.

18 Q. There was an election, which one we don't
19 know.

20 A. Right.

21 Q. But during that election, there were a high
22 number of provisional ballots that were cast, or allowed
23 to be cast --

24 A. Yes.

25 Q. -- in one of -- one of the polling places --

1 A. Yes.

2 Q. -- as a result of the decision by the election
3 judge.

4 A. Yes, not following the law.

5 Q. That they would allow provisional ballots to
6 be cast at that precinct, or that polling place, even
7 though it was the wrong polling place for the voter to
8 cast their vote?

9 A. Correct.

10 Q. Is that a correct summary?

11 A. Yes, but that's not a photo ID issue.

12 Q. But from a practical standpoint, that is an
13 issue with regard to the number of provisional ballots.

14 A. Yes.

15 Q. And would also be a reason that you would have
16 to really dig down deep and understand what's going on
17 with any of the provisional ballots to say, "This is an
18 issue with provisional ballots"; correct?

19 A. Exactly. Every one of them has its own issue.
20 Every provisional ballot you've got to go and look at
21 what really is going on here to understand what the
22 issue is.

23 Q. In the November 2013 election -- just one more
24 follow-up on that, if I could. With regard to the
25 two-thirds of the individuals who had photo ID but

1 appeared at the polling place without photo ID and were
2 allowed to cast provisional ballots.

3 A. That's how many, in hindsight, that we looked
4 at we matched against the voter -- I mean, the DPS ID,
5 database to say that they did have IDs, yes.

6 Q. Did you do any further follow-up on any of
7 those folks that y'all identified?

8 A. Other than the fact that everyone whose ballot
9 was not counted because of ID issues, they got a letter.
10 As a result of that, no, there was no follow-up on that.
11 At least I don't know of any.

12 Q. With regard to documents that your office
13 produced in response to the subpoena that the Department
14 of Justice, I guess, served upon y'all --

15 A. Yes.

16 Q. I don't know if they courtesy copied anyone
17 else with that. And so do you have the ability to
18 recreate or get a copy of all those documents that were
19 produced to the Department of Justice?

20 A. I believe so, yes.

21 Q. Okay.

22 A. It's a very similar list. It's like the same
23 list was shared between the two parties.

24 Q. Okay.

25 A. So it's very similar, if I remember right.

1 MS. ASTON: It's not a hundred percent.

2 A. It's not a hundred percent, but it's like
3 90-plus percent.

4 Q. (By Mr. Scott) And Department of Justice, you
5 think, has had those documents for at least
6 two-and-a-half months?

7 A. No, no, no. I think that's when they
8 originally requested them, two-and-a-half months ago.
9 They have had them over a month or so ago. We had
10 scheduling issues.

11 MS. ASTON: Two batches.

12 A. That's right, we gave it to them in two
13 batches, but we had scheduling issues with them, when
14 they were available to drop off.

15 Q. (By Mr. Scott) Okay. You testified earlier
16 that every election you send matters that don't look
17 right to the district attorney, or to the secretary of
18 state.

19 A. We will send -- yeah. And we're not always
20 timely because we're so freaking busy, but we do send
21 issues that we think need to be looked at on voters
22 attempting to do things we don't think is proper, we'll
23 send it over to the DA.

24 Q. With regard to photo ID, do you have an
25 opinion as to whether -- not just addressing photo

1 identification or photo impersonation fraud, but photo
2 fraud in general, do you believe it's helped to tamp
3 that down?

4 A. I think the one thing I've seen back from the
5 voters is higher confidence in the election process
6 because we do have photo IDs.

7 Yeah. Whether -- how much it does tamp
8 down fraud, which I would suspect it does to some
9 degree, I don't think that's the big issue. I think
10 it's the confidence that it gives to the voters as a
11 whole body in the whole process is more secure because
12 of accepting photo ID.

13 Q. Have you seen voter participation in Harris
14 County increase, decrease, or stay about the same as a
15 percentage of prior elections before voter ID?

16 A. Actually, last November it increased it.
17 Well, you don't know if it increased it, but there was a
18 significant increase last November over the previous
19 two-year cycles in Harris County.

20 Q. Percentage-wise, how big of an increase?

21 A. I wish I had the number in front of me, I'd
22 tell you.

23 Q. Okay.

24 A. But it was significant. And in the primaries,
25 other than the last primary, the turnout was much higher

1 for the Republican party anyway, going back. Other than
2 the previous one, like I said, when Ted Cruz was in it.
3 We were probably, oh, 50, 60 percent higher than the
4 previous two cycles before that.

5 Q. And the Republican primary had 25, I think,
6 provisional ballots cast; is that correct?

7 A. Yes.

8 Q. As a result of no photo ID?

9 A. Yes, they had two-and-a-half times the number
10 of provisional ballots because of ID issues that the
11 Democratic party did.

12 Q. Would they probably have had about
13 two-and-a-half times the turnout?

14 A. Yes, it was very similar. It hits both
15 parties, apparently.

16 Q. You've got a lot of different polling places
17 with a lot of different judges, and so I'm assuming, but
18 I want your answer, that there are more efficient judges
19 who operate the polling places.

20 A. Yes. There are some better than others, yes.

21 Q. And with regard to the delays that someone
22 might -- a voter might encounter at a polling place.

23 A. Yes.

24 Q. Absent having a camera in there, is there any
25 way to know what the cause of those delays are?

1 A. Some election judges will tell us what it is.
2 I mean, or an alternate judge will tell us, but I don't
3 see where the photo ID actually added any delay.

4 In fact, we have -- we find that in early
5 voting where we've been doing the electronic poll books,
6 the majority of the people were already using driver's
7 license as a check-in process.

8 And we find it's a faster check-in
9 process as a result of just swiping their ID than it is
10 to actually sit there and either manually look it up, or
11 the old days of paper, you would have the whole county
12 there, you would take forever to go find the book that
13 has the two millionth name in it or something.

14 Q. Now, earlier, you testified that the birth
15 certificate is issued by the vital statistics portion of
16 your office.

17 A. Yeah. Personal records I think is what it's
18 actually called.

19 Q. Okay. So someone can come to the downtown
20 location, or I think you said you had nine satellite
21 areas.

22 A. Yes, yes.

23 Q. And in all those locations, an individual who
24 wanted a birth certificate for purposes of obtaining an
25 election ID card --

1 A. Yes.

2 Q. -- would have to fill out a specific form for
3 that type of birth certificate, is my understanding; is
4 that correct?

5 A. You know, I don't really know, but it makes
6 sense it probably is still.

7 Q. Okay. Do y'all have a triage person at
8 y'all's locations that when someone comes in, they
9 direct them on where they need to go, or do they just
10 get in line in the queue, and when they get up there, they
11 ask?

12 A. Well, the downtown location is fairly large,
13 okay? But the branches, a lot of the branches only have
14 two or three clerks in them, so they do basically
15 everything.

16 Q. Do you track time when someone walks into the
17 office, for instance, in any of the satellite offices,
18 before they receive service?

19 A. No, I don't think so. Whether it's a busy
20 location or not a busy location, they know how to deal
21 with it out there.

22 Q. And if you hear of a complaint about waits,
23 you, as the head election official, or the head of the
24 -- Harris County clerk, you will implement steps to fix
25 that; correct?

1 A. Oh, yes, most definitely, yes.

2 Q. Customer service?

3 A. Customer service. Yeah, hey, I'm on the

4 ballot, I want these people happy.

5 MR. SCOTT: Okay. I thank you for your
6 you courtesy. Pass the witness.

7 THE WITNESS: You're welcome.

8 FURTHER EXAMINATION

9 BY MR. DUNN:

10 Q. Mr. Scott asked you about the effect of
11 S.B. 14, and you stated the opinion it had the effect of
12 buoying voter confidence, or something to that effect;
13 is that right?

14 A. Yes.

15 Q. So is it the case then, in your experience, in
16 election judges, that you've noticed that voter
17 confidence has been on the decline?

18 A. I don't know if I could say "yes" or "no" to
19 that question. It's not something I looked at. I've
20 just gotten feedback from multiple people that, "I have
21 more confidence in the system as a result of having
22 photo ID."

23 Q. Did you have -- when you would hear that back
24 from people, would you have conversation with them about
25 how it is that their confidence got questioned to begin

1 with?

2 A. No, I didn't have that discussion.

3 Q. Okay. You're aware that the attorney
4 general's office went around for several years, in both
5 public events and private investigations, spending a
6 great deal of tax dollars looking for voter fraud? Are
7 you familiar with this investigation?

8 MR. SCOTT: Objection; form.

9 A. No, not really, no.

10 Q. (By Mr. Dunn) You have no idea that the
11 attorney general himself, for example, was doing media
12 events talking about rampant voter fraud that he was
13 doing that he was investigating or attempting to
14 discover?

15 MR. SCOTT: Objection; form.

16 A. No.

17 MR. DUNN: Nothing further. Thank you,
18 sir.

19 MR. RAY: Mr. Shapiro, have you got
20 anything?

21 MR. SHAPIRO: Nothing further. Thank
22 you.

23 MR. RAY: Okay. I guess we're done.
24
25

FOR THE DEPOSITION OF STAN STANART

PAGE	LINE	CHANGE	REASON
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[illegible]

1 I, STAN STANART, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.
4
5
6

7 _____
STAN STANART

8
9 THE STATE OF _____)

10 COUNTY OF _____)

11 Before me, _____, on
12 this day personally appeared STAN STANART, known to me
13 or proved to me under oath or through _____
14 (description of identity card or other document) to be
15 the person whose name is subscribed to the foregoing
instrument and acknowledged to me that they executed the
same for the purposes and consideration therein
expressed.

16 Given under my hand and seal of office
17 this _____ day of _____, 2014.
18

19 _____
NOTARY PUBLIC IN AND FOR

20 THE STATE OF _____
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

1		
2		
3	MARC VEASEY, JANE HAMILTON,)
4	SERGIO DELEON, FLOYD J. CARRIER,)
5	ANNA BURNS, MICHAEL MONTEZ,)
6	PENNY POPE, OSCAR ORTIZ, KOBY)
7	OZIAS, JOHN MELLOR-CRUMMEY,)
8	JANE DOE, JOHN DOE, LEAGUE OF)
9	UNITED LATIN AMERICAN CITIZENS)
10	(LULAC), AND DALLAS COUNTY,)
11	TEXAS)
12)
13	VS.)
14)
15	RICK PERRY, Governor of Texas,)
16	and JOHN STEEN, Texas Secretary)
17	of State,)
18	_____)
19	UNITED STATES OF AMERICA,)
20)
21	V.)
22)
23	STATE OF TEXAS, JOHN STEEN, in)
24	his official capacity as Texas)
25	Secretary of State, and STEVE)
26	MCCRAW, in his official capacity))
27	as Director of the Texas)
28	Department of Public Safety,)
29	_____)
30	TEXAS STATE CONFERENCE OF NACCP)
31	BRANCHES, AND THE MEXICAN)
32	AMERICAN LEGISLATIVE CAUCUS OF)
33	THE TEXAS HOUSE OF)
34	REPRESENTATIVES,)
35)
36	V.)
37)
38	JOHN STEEN, in his official)
39	capacity as Texas Secretary of)
40	State, and STEVE MCCRAW, in his)
41	official capacity as Director of))
42	the Texas Department of Public)
43	Safety)

CIVIL ACTION NO.
2:13-CV-193 (NGR)
(lead case)

CIVIL ACTION NO.
2:13-CV-263 (NGR)
(consolidated case)

CIVIL ACTION NO.
2:13-CV-291 (NGR)
(consolidated case)

1 REPORTER'S CERTIFICATION

DEPOSITION OF STAN STANART

2 JUNE 17, 2014

3 I, Cynthia C. Miller, a Certified Shorthand
4 Reporter in and for the State of Texas, do hereby
5 certify that the facts as stated by me in the caption
6 hereto are true, that the above and foregoing answers of
7 the witness, STAN STANART, to the questions as indicated
8 were made before me by the said witness after being
9 first duly sworn to testify to the truth, and same were
10 reduced to writing under my direction; that the above
11 and foregoing deposition as set forth in writing is a
12 full, true and correct transcript of the proceedings had
13 at the time of taking said deposition; that as requested
14 the deposition was made available for the witness to
15 read and sign.

16 I further certify that I am not, in any
17 capacity, a regular employee of the party in whose
18 behalf this deposition is taken, nor in the regular
19 employ of their attorney, and that I am not interested
20 in the cause, nor of kin or counsel to either of the
21 parties.

22

23

24

25

1
2 GIVEN under my hand and seal of office on this,
3 the 9th day of July, A. D. 2014.
4
5
6
7

CYNTHIA C. MILLER, Texas CSR 8065
8 Certification Expiration 12/31/2014
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10 281.376.9303
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